

**PB# 88-53**

**Jack's Service Center**

**64-4-18.2**

JACKS SERVICE CENTER

88-53

88-53

*Approved*

*12-13-89*

General Receipt		10154
<b>TOWN OF NEW WINDSOR</b> 555 Union Avenue New Windsor, N. Y. 12550		
Received of		<u>Windsor Highway Surco</u> \$ <u>25.00</u> <u>Twenty-five and 00/100</u> DOLLARS
For		<u>Site Plan Approval (#88-53)</u>
DISTRIBUTION		
FUND	CODE	AMOUNT
<u>Check # 1547</u>		<u>\$25.00</u>
By		<u>Pauline D. Townsend</u> <u>Town Clerk</u> Title

Williamson Law Book Co., Rochester, N. Y. 14609

General Receipt		10939
<b>TOWN OF NEW WINDSOR</b> 555 Union Avenue New Windsor, N. Y. 12550		
Received of		<u>Windsor Highway Surco</u> \$ <u>542.90</u> <u>Five Hundred forty-two and 90/100</u> DOLLARS
For		<u>Eng Fee - \$442.90 Site Plan 100.00</u>
DISTRIBUTION		
FUND	CODE	AMOUNT
<u>CR # 1554</u>		<u>\$542.90</u>
By		<u>Pauline D. Townsend</u> <u>Town Clerk</u> Title

Williamson Law Book Co., Rochester, N. Y. 14609

COUNTY PLANNING REFERRAL	
County File No. <u>NWT 19 89 M</u>	
(Mandatory County Planning Review under Article 12-B, Section 239, Paragraphs 1, m & n, of the General Municipal Law)	
Application of <u>Phyllis and Jack Graziano, Jr.</u> for a <u>Site Plan - Frontage/Access NYS 94</u> County Action: <u>Local Determination</u>	
<b>LOCAL MUNICIPAL ACTION</b> The Above-cited application was: Denied ..... Approved ..... Approved subject to County recommendations	
(Date of Local Action)	(Signature of Local Official)
This card must be returned to the Orange County Department of Planning within 7 days of local action.	

JACKS SERVICE CO. FR 88-53

800

Tony Tersillo - 914-892-1652





1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

*Planning Board*  
88-53

Pauline G. Townsend  
TOWN CLERK

## CLERK'S CERTIFICATE

I, PAULINE G. TOWNSEND, Town Clerk of the Town of New Windsor in the County of Orange, State of New York HEREBY CERTIFY that the below extract of the minutes has been compared by me with the Minutes of the Town Board of the Town of New Windsor in the County of Orange, State of New York held on the 19th day of December 1990 and the same is a true and correct transcript therefrom and of the whole thereof so far as the same relates to the subject matter referred to.

IN WITNESS WHEREFORE, I have hereunto set my hand and affixed the corporate seal of said Town, this 20th day December 1990.

TOWN SEAL

  
PAULINE G. TOWNSEND, TOWN CLERK  
Town of New Windsor

Motion by Councilman Heft, seconded by Councilwoman Siano that the Town Board of the Town of New Windsor authorize the approval of a request from FIRST VENTURE OF NEW WINDSOR (Jack's Sunoco) for an extension of the site/building plan approval from the Planning Board (12/89), in accordance with a recommendation from McGoey, Hauser and Edsall Consulting Engineers P.C. dated 12/6/90, said extension to be for a one (1) year period in accordance with Sec. 48.19C (9) of the Zoning Local Law.

ROLL CALL: All Ayes

MOTION CARRIED: 4-0

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/13/89

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

FOR PROJECT NUMBER: 88-53

NAME: JACK'S SERVICE CENTER

APPLICANT: GRAZIANO, PHYLLIS

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
02/08/89	P.B. APPEARANCE	NEED PLAN CHANGES
06/14/89	P.B. APPEARANCE #2	LEAD AGENCY - YES
06/14/89	P.B. APPEARANCE #2	TO SET PUBLIC HEAR.
07/26/89	PUBLIC HEARING - P.B. APPEAR.	NEED CHANGES ON PLAN
07/26/89	PUBLIC HEARING -P.B. APPEAR.	P.H. TO CONTINUE
08/09/89	TO CONTINUE PUBLIC HEARING	MINOR CHANGE TO PLAN
09/13/89	P.B. APPEARANCE	



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

- ☐ Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ Branch Office  
400 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

6 December 1990

Mr. Carl Schiefer, Chairman  
Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, New York 12553

SUBJECT: FIRST VENTURE OF NEW WINDSOR (JACK'S SUNOCCO 88-53)  
REQUEST FOR APPROVAL EXTENSION

Dear Carl:

Reference is made to the letter dated 10 November 1990 from Mr. Anthony Tersillo, President, First Venture of New Windsor property, with regard to the subject project and a request for "an extension on the site/building plan approval". Please be advised that, at the 13 September 1989 Planning Board meeting, the Board granted conditional Final Site Plan approval and, subsequently, stamped the plan approved on 13 December 1989. Inasmuch as the application and plan have been final approved, no further action by the Planning Board is necessary, nor is it necessary or appropriate that your Board grant any approval extensions.

If it is the intent of the Applicant to seek an extension relative to the deadline to apply for a building permit (per Section 48.19 C (9); copy attached), which is required within one (1) year of Site Plan approval, said extension is considered by the Town Board, not the Planning Board, as per the referenced section. In line with same, I am forwarding a copy of this letter to both the Applicant and the Town Board such that they may consider this matter, if the Applicant seeks such an extension.

Very truly yours,

McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS,

  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEss

cc: First Venture of New Windsor  
George A. Green, Town Supervisor (via fax)

RD1 BOX 1192  
GARDINER, NEW YORK 12525  
NOVEMBER 10, 1990

MR. CARL SCHIEFER-PLANNING BOARD PRESIDENT  
TOWN OF NEW WINDSOR  
NEW WINDSOR TOWN HALL  
UNION AVENUE EXTENSION  
NEW WINDSOR, NEW YORK 12550

SUBJECT: FIRST VENTURE OF NEW WINDSOR PROPERTY  
SEC. 67 BLK 4 LOT 17 AND 18.2  
(NORTH SIDE OF RTE. 94 WEST OF 5 CORNERS  
BETWEEN THE NEW OFFICE BLDG AND COLBY KENNEL)

DEAR MR. SCHIEFER,

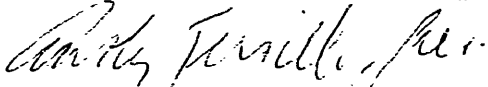
WE ARE WRITING YOU TO ASK THE BOARD FOR AN  
EXTENSION ON THE SITE/BUILDING PLAN APPROVAL, GRANTED ON  
12/89 BY THE NEW WINDSOR TOWN PLANNING BOARD FOR OUR ABOVE  
SUBJECT REFERENCED PROPERTY LOCATED ON RTE. 94 IN VAILS GATE.

AS YOU CAN REMEMBER, THERE WAS MUCH EFFORT ON YOUR  
PART, AND Ours FOR ACCOMPLISHING THIS APPROVAL, AND WE WISH  
THE BOARD TO CONSIDER AN EXTENSION DUE TO THE CURRENT  
ECONOMIC TIMES.

WE HOPE YOU AND THE BOARD WILL VOTE IN FAVOR OF  
THIS EXTENSION REQUEST, AND LOOK FORWARD TO HEARING FROM YOU.

SINCERLY,

FIRST VENTURE OF NEW WINDSOR



ANTHONY TERSILLO, PRES.

proval shall include written findings upon any site plan element found contrary to the provisions or intent of this local law.

- (7) Amendments to a site plan shall be acted upon in the same manner as the approval of the original plan.
- (8) Waiver of required information. Upon findings by the Planning Board that, due to special conditions peculiar to a site, certain of the information normally required as part of the site plan is inappropriate or unnecessary or that strict compliance with said requirements may cause extraordinary and unnecessary hardships, the Board may vary or waive the provision of such information, provided that such variance or waiver will not have detrimental effects on the public health, safety or general welfare or have the effect of nullifying the intent and purpose of the site plan submission, Master Plan or this local law.
- (9) Application for building permit. Within one (1) year of the date of site approval by the Planning Board, the applicant shall apply for a building permit or the approval of the site plan shall expire. However, the Town Board may extend the time for application for a building permit a period not to exceed one (1) additional year if, in its opinion, such action is warranted by the particular circumstances thereof.
- (10) Unless work is commenced and diligently prosecuted within one (1) year, or within such time expressly stated by the Planning Board at the date of granting approval, said approval shall become null and void.
- (11) The Planning Board may require, as a condition of approval, that a performance bond or maintenance bond, or both, be posted with the town in a manner set forth in the Town of New Windsor Subdivision Regulations<sup>5</sup> for subdivisions to guarantee the installation of key site improvements and the upkeep of landscaping, screening and safety devices, and to

<sup>5</sup> Editor's Note: See Appendix, Part II, Subdivision Regulations.

RD1 BOX 1192  
GARDINER, NEW YORK 12525  
NOVEMBER 10, 1990

MR. CARL SCHIEFER-PLANNING BOARD PRESIDENT  
TOWN OF NEW WINDSOR  
NEW WINDSOR TOWN HALL  
UNION AVENUE EXTENSION  
NEW WINDSOR, NEW YORK 12550

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SINCERLY,

FIRST VENTURE OF NEW WINDSOR

  
ANTHONY TERSILLO, PRES.

~~REDACTED~~  
Mr. Paul Cuomo, Jack Graziano and Mr. Finamore came before the Board representing this proposal.

Mr. Cuomo: We are coming in for final approval.

Mr. Schiefer: Paul, let me read you something the engineer has said.

"...Therefore, I have no reason why the plan should not receive site plan approval from an engineering standpoint."

In case you haven't seen this--there is a special permit here and if anyone has any conditions they want to write into the special permit, please voice them.

Mr. Soukup: There were some things that came up at the public hearing, one was no body shop work, no painting, spraying.

Mr. Schiefer: No gasoline sales.

Mr. VanLeeuwen: The house had to come down in the front.

Mr. Finamore: The house will come down per your whatever prior to C.O. on the back building.

Mr. VanLeeuwen: It should come down at the start.

Mr. Soukup: We decided not to put the landscaping buffer.

Mr. Schiefer: That meeting was the 9th, don't we have the notes of that meeting here?

Mr. Soukup: Yes, they are right here.

Mr. Finamore: Really before a C.O. is issued on the proposed building, Mr. McCarville--

Mr. Soukup: It is the first public hearing in the minutes of the meeting of the 9th. We talked about no body shop work, no body work, no gas, no painting, spraying, number of cars stored outdoors over a period of time, no unlicensed vehicles shall be stored outside the building and there was to be--we discussed a limit of the number of cars to be stored overnight and I think we were talking 10 or 15 and you are talking 20, seem to be pretty high. You have what, 50 spaces?

Mr. Graziano: Fifteen (15) cars, about 30.

Mr. Soukup: What is the total number of parking spaces?

Mr. Finamore: Forty-seven (47) or something like that.

Mr. Soukup: To have 30 cars stored seems to be high. I think half

of that might be more reasonable number.

Mr. Finamore: When you say stored, what do you mean?

Mr. Graziano: Left overnight.

Mr. VanLeeuwen: I remember getting into that.

Mr. Soukup: We were talking about 15 or 20, we are talking 20 or 30. I think half the parking spaces might be a more reasonable number, not 75%.

Mr. Finamore: The Board would have an objection to keeping cars overnight?

Mr. VanLeeuwen: We don't want to keep the whole lot.

Mr. Soukup: My gut feeling is that out of the 42 spaces, not more than half of them should be used for overnight storage or outside parking of cars overnight. I think 30 out of 40 is probably to much. Twenty (20) out of 40 might be more reasonable number. They can be put around the building or on the side and not even noticed.

Mr. Schiefer: Jack, do you have any questions?

Mr. Graziano: I don't want to be in violation. I will work on--my capacity is 15 cars usually and then the next day would be 15. There could be 30.

Mr. Schiefer: Not at one time, we are talking about overnight now. Mr. Pagano just asked an interesting question. Are you talking unlicensed cars?

Mr. Soukup: It says there is to be no unlicensed cars on the site.

Mr. Pagano: It is impossible if the dealer brings them a car, they take the plates.

Mr. Graziano: I will get those.

Mr. Soukup: Do you have that at the shop?

Mr. Graziano: We do dealer work there. They are not a lengthy stay, just getting--

Mr. Soukup: Does the dealer take the plates off?

Mr. Graziano: They will not leave a dealer plate.

Mr. Pagano: He is going to have to have a percentage of unregistered cars.

Mr. VanLeeuwen: I think we should concentrate on the amount of wrecks he keeps there, damaged automobiles, that is more important than just plain cars. Wrecks have a tendency to stay and stay and stay, that is your biggest problem.



Mr. Soukup: That is a very hard thing to enforce because nobody is going to go back everyday or third day to see how long the car has sat there.

Mr. Ronces: If it becomes a problem, you have some way to deal with it.

Mr. Soukup: And wrecks usually have plates on them, don't they, while they are sitting there?

Mr. VanLeeuwen: Ten (10) to 15 to 12 wrecks. I think we are safe.

Mr. Soukup: Call them unlicensed vehicles.

Mr. VanLeeuwen: Why don't we leave it no more than 20 cars outside overnight at a time.

Mr. Schiefer: That is exactly the way I was going to word it. Twenty (20) cars maximum, that should be all right, more overnight. During the day you can fill the parking spaces.

Mr. Soukup: If you can jam a couple inside, those are free, that leaves you 20 spaces for parking and storage and 20 spaces for new people to bring their cars during the day.

Mr. VanLeeuwen: Twenty-two (22) for new cars.

Mr. Schiefer: Any other comments?

Mr. Pagano: We addressed the lighting. I want to avoid tall lights that glare into the neighbor's yards. In other words, you have seen some of the newer buildings where the lamps are very nice, don't put lights up against the building that shine out, shining in but, you know, something that is subdued because otherwise we get a halo effect along 94 and it creates other problems but the lighting is to be done and shaded.

Mr. Ronces: Is that requirement going to appear either on the map or in the special permit?

Mr. Schiefer: Most of it goes in the special permit and we have got it in the minutes. It is in the minutes and it should be in the special permit. I don't see how you are going to put some of these details on the map.

Mr. Pagano: You haven't addressed the sign. You are going to have to put a sign up.

Mr. Finamore: I think they moved it back to the proper spacing or--

Mr. Cuomo: Fifteen (15) feet back from the property line.

Mr. Pagano: You know what the limits are?

Mr. Cuomo: Yes.

Mr. Schiefer: I am assuming that the engineer reviewed that part of it because he has seen that.

Mr. Soukup: It has been changed from the last time. Hours of operation because you are next to or adjacent to a residential area.

Mr. Graziano: Probably 7 o'clock until 6 o'clock and overtime may extend to 9.

Mr. Soukup: 7 a.m. to 10 p.m. hours of operation.

Mr. Pagano: I attended a conference several months ago about waste oil useage for oil burners and it seems that alot of waste oil heaters and I know it is a big thing, it has been used over the years, I am going to ask that the Board consider limiting you not to using waste oil for heating because you are in the residential area and waste oil has a tremendous amount of contaminants in it. I'd like the Board to consider putting that in there too that was oil not be allowed to be used as a heating medium, it be trucked out.

Mr. Schiefer: If you have no problem, we will write it into the special permit. If he has not problem, I think it is a plus, anythink else?

Mr. VanLeeuwen: I have nothing else. I am not exactly happy that the house is going to stay there.

Mr. Soukup: I was going to suggest that the house be removed, be done before the C.O. be issued too.

Mr. Schiefer: That is in the minutes.

Mr. Finamore: It says before a C.O. is issued on a proposed building.

Mr. Pagano: I make a motion that we approve the plan as submitted with all the modifications that we put in there.

Mr. Schiefer: They will be in the special permit.

Mr. Soukup: I will second that.

Mr. Schiefer: Motion has been made and seconded that the site plan and special permit for Jack's Sunoco Station on Route 94 be approved.

Mr. VanLeeuwen: Did we have a public hearing on the special permit?

Mr. Soukup: Yes. Summary of the conditions of the special use permit, no painting, no body work, shielded lighting, 20 cars outdoor parking limitation overnight, building to be removed before C.O. is issued, hours of operation 7 a.m. to 10 p.m., no waste oil heating.

ROLL CALL:

Mr. VanLeeuwen	Aye
Mr. Pagano	Aye
Mr. Soukup	Aye
Mr. Schiefer	Aye



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)  
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640  
PORT JERVIS (914) 856-5600

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

Licensed in New York,  
New Jersey and Pennsylvania

TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS

PROJECT NAME: Jack's Sunoco Site Plan  
PROJECT LOCATION: Route 94 (East of Palomino)  
PROJECT NUMBER: 88-53  
DATE: 13 September 1989  
DESCRIPTION: The Applicants have submitted a plan for the removal of a number of small structures and the construction of a truck repair and automotive repair shop with associated site improvements. The plan was previously reviewed at the 8 February 1989, 14 June 1989, 26 July 1989 and 9 August 1989 Planning Board Meetings.

1. The Board is reminded that this project requires a "Special Permit". Any conditions of that permit which the Board chooses to impose should be defined as part of the Approval. Previous discussions regarding same included set hours for operation, etc.

2. At this time, all revisions requested by this Engineer have been made to the plan; therefore, I am aware of no reason why the plan could not receive site plan approval, from an engineering standpoint.

Respectfully submitted,

  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEnje

jacks

NEW WINDSOR PLANNING BOARD

TOWN HALL

WEDNESDAY, AUGUST 9, 1989 - 7:30 P.M.

Members Present:

Carl Schiefer - Chairman  
Vince Soukup  
Ron Lander  
Henry VanLeeuwen

Also Present:

Michael Babcock - Building Inspector  
Mark Edsall, P.E. - Planning Board Engineer

Absent:

Dan McCarville  
John Pagano  
Joseph Rones, Esq.

BY MR. VAN LEEUWEN: I make a motion that we approve the July 22, 1989 minutes.

BY MR. SOUKUP: I second that motion.

ROLL CALL:

Mr. Soukup: Aye.  
Mr. VanLeeuwen: Aye.  
Mr. Lander: Aye.  
Mr. Schiefer: Aye.

PUBLIC HEARING CONTINUATION - JACK'S SUNOCO: 88-53

Paul Cuomo came before the Board presenting his proposal.

BY MR. SCHIEFER: Additional ones were mailed out?

BY MR. CUOMO: Yes.

BY MR. SCHIEFER: I think all we are trying to do is establish the legality of the mailing. We went over the items on this last meeting and the only challenge was had the proper people been notified. Now, we will go over this mailing and see if these people have been notified. Then I am going to ask if any of the people that are on this list are here this evening,

if they have any comments. If any of those people whose name was just called out are here, would you raise your hand? Okay, we had a Public Hearing at the last meeting. You people were not here at that time. You had not been notified. Therefore, I am going to re-open the Public Hearing and if there are any comments on this proposal to build this Jack's Sunoco site plan on Route 94, if you have any questions, I'd like you to stand up, identify yourself and make your statement.

BY ALAN JOBSEN: (Phonetic) My name is Alan Jobsen and I am co-owner of Colby Kennels. I have a couple of questions and one, can you, this area is defined as neighborhood commercial. I'd like the definition of neighborhood commercial. Number two, being very naive, I was just wondering how construction has taken place to a point that it has and we're called for this evening. Number three, --

BY MR. VAN LEEUWEN: There is no construction taking place. I think you are referring to the lot next door.

BY MR. JOBSEN: What is next door?

BY MR. VAN LEEUWEN: That was approved about a year ago.

BY MR. JOBSEN: Was that --

BY MR. BABCOCK: That is an office building.

BY MR. JOBSEN: That settles that, as far as this being a service station, does this include gasoline tanks, etc., and if it doesn't, in looking at the plans, it calls for oil to water separators and I'd like somebody to explain how these oil to water separators function and how the soil disposed of it so it does not affect our well water, because we do function with well water.

BY MR. SCHIEFER: The first question I will answer. Yes, it is a permitted use in neighborhood commercial zone. We checked that out. That has already been challenged and the legal opinion is yes, it can be.

BY MR. JOBSEN: What is neighborhood commercial, what is the definition? It services commercial --

BY MR. SOUKUP: The zoning ordinance has a list of permitted uses. This is one of them. There is a variety of uses. You can check the ordinance.

BY MR. SCHIEFER: I have been assured that one of the reasons they are setting this up to get away from the gasoline, it will be just a service station as such. They will not sell gasoline. Paul, do you want to go into the reason for the oil separator? I know I understand it. Paul represents the applicant.

BY MR. CUOMO: I am their engineer. The idea of the oil water separators is simply to comply with the town's ordinance for pretreatment of any industrial waste and this is essentially, you will have oil falling on the floor of this facility and it will be collected in a pipe and run down into the sewer plant. We are not allowed to put in anything into the sewer plant unless it is examined by the people who run the sewer plant. In other words, the separator is like a mini treatment plant and it pretreats the effluent that goes to the plant and the plant can accept it at so much solids or whatever and have no difficulty treating it. And, that is the idea of the oil water separator. The oil water separator isn't -- it is fairly complicated piece of equipment. It has various things in it to separate the oil and the water so the oil never gets to the plant.

BY MR. SCHIEFER: It is a gravity system, isn't it?

BY MR. VAN LEEUWEN: Oil is heavier than water and the oil will sink to the bottom of the trap and the water floats.

BY MR. CUOMO: We picked out -- that is sewer plant approved and this is just to protect the plant and we -- that is why we have that separator on the plant to comply with the town treatment.

BY MR. JOBSEN: The sewage line is tied into the city sewers? It is not a septic field or --

BY MR. CUOMO: Absolutely not. This goes into the regular sewer lines that the town has constructed, but the thing is you just can't put anything in that line. The plant has to be protected. The plant has live matter to eat the bacteria.

BY MR. VAN LEEUWEN: They create bacteria in the plant to take care of the solids and --

BY MR. JOBSEN: Separate the oil from the water and what happens to the oil?

BY MR. CUOMO: The oil has to be taken out of there.

BY MR. VAN LEEUWEN: It is shoveled out every couple of months. It depends how much grease actually goes into it.

BY MR. CUOMO: The droppings in the floor don't go directly into the plant.

BY MR. VAN LEEUWEN: They can't.

BY MR. CUOMO: They are not allowed.

BY MR. SCHIEFER: Any other questions?

BY MR. PAUL MC CARTHY: This is my first town hearing and I am really not up on what the difference is between commercial as opposed to commercial neighborhood, but I am just speaking for myself. I am concerned about the noise level right now. The area I live on, Riley Road, is relatively quiet and I am concerned about the noise and I am also concerned about the increased traffic. Is there any information that the Board can give me or this gentleman about what increased traffic will be in the area or anything in that area?

BY MR. CUOMO: The only comment I have is that the amount of bays that we have, the amount of cars being worked on, which shouldn't be any more than --

BY MR. SCHIEFER: Are there three bays right now?

BY MR. CUOMO: Right. We shouldn't have any more traffic, I think we'd have less traffic than a regular gasoline station.

BY JACK (APPLICANT): It won't be like a retail store, because you can only work on a certain amount of cars each day.

BY MR. CUOMO: You may get a thousand cars a day pumping gas. We won't have that at all. It is mainly for repair of vehicles and sale of parts. Are you going to have a retail store?

BY JACK (APPLICANT): No.

BY MR. CUOMO: It will be similar in a sense that you won't have this heavy flow of pumping gas.

BY MR. JOBSEN: When you say vehicles, what are you talking about, automobiles or trucks?

BY MR. VAN LEEUWEN: Automobiles.

BY MR. SCHIEFER: It is not large enough to handle large trucks, pickup trucks, but the building itself will not accommodate large vehicles.

BY MR. CUOMO: What kind of work would you be doing in the bays?

BY JACK (APPLICANT): It is going to be advanced auto tech stations for electronic computerized equipment which is going to be inside for the newer cars, 1990, we are going to do dealer, a lot of dealer work, but only basically new parts for the high tech autos, not going to be a body shop or anything noisy. We will have computer alignment, everything is computerized.

BY MR. SOUKUP: You are not going to do painting and body work?

BY JACK (APPLICANT): It is an advanced automotive service center basically geared towards electronics.

BY MR. SOUKUP: Body work is noisy and that is what you are going to be thinking about, and there is not going to be body work and there won't be painting.

BY MR. SCHIEFER: They will be requiring special permit and the special permit will not allow them to sell gasoline because that they don't want, that is exactly what they are --

BY MR. VAN LEEUWEN: We don't want anybody selling gasoline in that area.

BY MR. SCHIEFER: There will be some increase, but I don't form an opinion but --

BY MR. VAN LEEUWEN: You have four gasoline stations right up the road, you don't need another one.

BY MR. JOBSEN: Does the special permit go along with the property for pumping gasoline if he decides he wants to move? Can they in turn turn it into a gasoline station?

BY MR. SCHIEFER: Not without coming back and getting permission and we'd have to go through this whole procedure again.



BY MR. VAN LEEUWEN: We can set a limitation on the amount of years the special permit is good for. Then they have to come back in and they have to have another public hearing. We can give them a three year permit, one year, or whatever we want to do. That is strictly up to this Board. We want to protect the people in the neighborhood as well. That is what we are here for, to protect the people in the Town of New Windsor. We try to do our best. It is tough sometimes, believe me when I tell you.

BY GARY YOUNG: How many cars are going to be stored here?

BY JACK (APPLICANT): We don't store cars. We are not a towing outfit. The only thing we will be working on, if something is laid over to get parts, but we are not a storage yard to store cars. We don't do that kind of work. We do towing on the breakdowns and that is it. We don't solicit tows, store cars.

BY MR. SCHIEFER: There will be some cars left there. We could set a limit in the permit as to, you know, no more than such a number of cars stored outdoors. You know you can obviously keep three indoors that are not going to bother anybody. What would you require, what would be the maximum? Don't say two if we are going to end up with ten.

BY JACK (APPLICANT): At any given time, the station I have right now there is always at least 15 cars on that small piece of property sitting there and I expect to double myself, double my business just making the move and that is another reason why I am doing this.

BY MR. YOUNG: That is 30 cars. There is going to be 30 cars, is there going to be a privacy fence?

BY MR. SCHIEFER: On the plan, it is on the plan. We could, you know, we could accommodate that if there is an unsightly thing, put up a barrier, something green growing there. I did not anticipate 30 cars, but obviously your question was well taken.

BY MR. YOUNG: It will be a used car lot?

BY MR. VAN LEEUWEN: That is another thing we are not going to give permit for.

BY MR. LANDER: Any car that would be stored there would have

to be registered, have to have a license plate on it.

BY MR. SOUKUP: Now, I had written down one of the conditions should be no unlicensed cars and there will be no car sales, right?

BY JACK (APPLICANT): No.

BY MR. SCHIEFER: I want a feel for what is the worst case. I am surprised at your comment up to 30 cars.

BY MR. LANDER: How many parking spaces?

BY MR. SOUKUP: He has got the 43 spaces.

BY MR. CUOMO: We also have shrubbery on both sides which isn't required, but we put in Hues so many feet on center.

BY MR. SCHIEFER: Sir, have you seen the plan?

BY MR. YOUNG: Yes, I have. I know right where it is.

BY MR. LANDER: The layout of the building?

BY MR. YOUNG: No, I don't.

BY MR. VAN LEEUWEN: How about the row of Hemlocks in the back?

BY MR. SOUKUP: On the north property line.

BY MR. VAN LEEUWEN: That will block off the noise and they grow like weeds.

BY MR. SCHIEFER: That addresses the screening, the number of cars. Any other questions or comments?

BY MR. JOBSEN: Being a neophyte on these meetings, we are here, what is the standard procedure? You listen to our comments and then you go into huddle and you decide?

BY MR. SCHIEFER: There will be no decision this evening. There will be a public meeting which we make a decision. You will again be notified and if you have any --

BY MR. VAN LEEUWEN: If we close the hearing tonight.

BY MR. SCHIEFER: The public will sit in on the next meeting.

BY MR. SOUKUP: They won't get a letter.

BY MR. SCHIEFER: The purpose of this meeting is to let the public have their say so and their opinions on what is going on here, and they will not be ignored.

BY MR. SOUKUP: You will not get another letter notifying you.

BY MR. JOBSEN: But you had said we had already made a decision and --

BY MR. SCHIEFER: We have not made a decision. There is no decision. What I said we had a meeting last week and some of the people, yourself included, were not notified and therefore we would not close that. We just extended this so you people would have the opportunity to make your input. By the way, the last meeting there were absolutely no comments from the public. There was nobody here so I am glad to see some of you showed up this time. I think the comments are valid. You are asking is it allowed, yes. Should there be screening, well we just asked for a little more screening which means we will not approve it until we get extra screening. The number of cars is dictated by the number of parking spaces.

BY MR. LANDER: 41?

BY MR. SOUKUP: 41 required and 43 are given.

BY MR. SCHIEFER: By law they must provide a minimum.

BY MR. SOUKUP: That is square footage of the building.

BY MR. SCHIEFER: If the law requires 41 and they come in with 39, the answer is no. Each building requires a certain amount of -- it is dependent on the square footage.

BY MR. MC CARTHY: Jack, what hours do you propose that you will be open?

BY JACK (APPLICANT): Eight to five. I could say maybe nine o'clock at night would be probably the latest if I can get somebody to stay that late, but there'd be no reason to work late like I do now. We have to be there from six in the morning till 12 at night. There will be one shift, an eight hour shift, a couple hours overtime maybe on busy days, but that will be it.

BY MR. MC CARTHY: Could something be written into the agreement?

BY MR. SCHIEFER: We have done that before, restrict the hours which they can do business.

BY MR. JOBSEN: How many cars would you think you'd be working on at a time?

BY JACK (APPLICANT): Today 15 cars would be plenty.

BY MR. JOBSEN: What does that do to the air quality you are going to be doing tune ups?

BY JACK (APPLICANT): Just be concentrated more around the station. I haven't given that one much thought, but inside will be, that will be our own system that we have.

BY MR. JOBSEN: If you work on the car in the winter, you exhaust to the outside.

BY JACK (APPLICANT): It would go straight up.

BY MR. SCHIEFER: Any other comments or questions?

BY MR. VAN LEEUWEN: I make a motion to close the public hearing.

BY MR. SOUKUP: I will second it.

BY MR. SCHIEFER: We are shutting off your input, that is all. I sincerely hope that you watch this and attend the next meeting when they are on the agenda and see what the outcome is, see if you are satisfied with what we have done.

BY MR. JOBSEN: How do you find out about the meeting?

BY MR. SCHIEFER: The only people that are officially notified are the participants and the Planning Board secretary at the Town Hall as two weeks in advance. She knows what the following agenda is going to be, so we will know at least two weeks in advance.

BY MR. EDSALL: It is always on the second and fourth Wednesdays, so it is one of two Wednesdays.

ROLL CALL:

MR. SOUKUP: Aye.  
MR. VAN LEEUWEN: Aye.  
MR. LANDER: Aye.  
BY MR. SCHIEFER: Aye.

BY MR. SCHIEFER: There will be no decision on this. We will try to get it on the schedule as soon as possible and we will make the decision.

BY MR. CUOMO: Comments though. What about getting some of the comments on the plans?

BY MR. SCHIEFER: The public portion is closed. You are welcome to attend. I have the comments.

BY MR. EDSALL: You made the comment here industrial use or pretreatment. Questionnaire form has not been received. Paul says he turned it over Monday. Well, we will check for that at the next meeting. One other comment that Paul should be aware of, I believe Mr. Soukup at the previous meeting asked for the required setback for a sign from the property line. I am unable to find it in the text. Mike pointed out that it is listed in the bulk tables. The required setback for the zone is 15 foot from the property line. The plan currently shows the sign is two foot from the property line, so that must be revised prior to your resubmittal. That is the only other comment I have. I was going to comment on it, although the Board picked up on it. Along the residential property. it would be wise to require at least that shrubbery if not a fence.

BY MR. SCHIEFER: We are not saying it has to be shrubbery, but some kind of screening in the rear.

BY MR. EDSALL: You have a side property that borders a residential also.

BY MR. SCHIEFER: I think there are provisions on all sides.

BY MR. EDSALL: To the rear you have got Consolidated Rail.

BY MR. LANDER: Paul, you live directly behind this piece here?

BY MR. MC CARTHY: Yes, I am on 167 Riley Road.

BY MR. LANDER: Can you see this property from your house? I don't think so.

BY MR. MC CARTHY: No, I can't.

BY MR. EDSALL: Because of the topo, that is not as critical as the bordering properties overall and those are only 12 to 18 inch Hues, they won't shield much, so you may want to put some taller plantings or a fence on the side.

BY MR. CUOMO: I can put --

BY MR. EDSALL: So that would --

BY MR. CUOMO: Not a fence, plantings.

BY MR. EDSALL: Get a very dense planting if you don't get a fence.

BY MR. CUOMO: I can start off with four foot Hemlocks.

BY MR. SCHIEFER: I prefer the Hemlocks, they grow a heck of a lot faster.

BY MR. LANDER: Fence grows faster.

BY MR. SCHIEFER: Fence grows faster, but I still like the natural buffer.

BY MR. CUOMO: Probably be cheaper than the Hues.

BY MR. SCHIEFER: The Hemlock will be --

BY MR. CUOMO: I prefer to do it that way.

BY MR. SCHIEFER: Let's go back to one issue. A few minutes ago we were asking to put it in back, all of a sudden do we need it in back?

BY MR. EDSALL: The back owner indicates he doesn't have a view.

BY MR. MC CARTHY: The ground is a little bit elevated as it goes to the back of my property, so anything that grows is too high.

BY MR. SCHIEFER: The back is not to be as critical but getting something higher on the sides where you have the neighbors, it will be faster growing, it will be more economical.

BY MR. CUOMO: The other comment was the sign?

BY MR. SCHIEFER: The sign, I am assuming you are going to address because you will end up at the Zoning Board of Appeals.

BY MR. CUOMO: And then also I did that form.

BY MR. SCHIEFER: The form we will check into. We want to check with Myra on that?

BY MR. CUOMO: I think she sent the whole thing down and then --

BY MR. SCHIEFER: Okay, thank you.

**TANNER LOT LINE CHANGE:**

Elias Grevas, L.S. came before the Board to present the proposal.

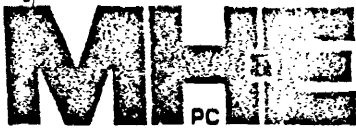
BY MR. GREVAS: This was presented to the Board some many months ago prior to the --

BY MR. VAN LEEUWEN: Did you go to the Zoning Board of Appeals?

BY MR. GREVAS: We did originally but since that time there has been a change on the property in that the property has been rezoned to a C zone. What I have just handed you is a copy of the resolution by the Town Board whereby they adopted a lead agency after many meetings with the archeological people on Knox Headquarters, hammered out the SEQRA process, had even archeological excavation on the property and all these things. So now we are back before you with this line change which represents a change in tax lot lines so that the Tanners can acquire lands from Mr. Gordon and Mr. and Mrs. Gordon will retain the house that they currently live in back to the rear of the property, and that property has access by means of the existing driveway that was established during the hearings and meetings with the state. And, as I say at this point, what we are requesting is approval of this lot line change to permit the Tanners to acquire this piece of property from Mr. and Mrs. Gordon.

BY MR. SCHIEFER: Any comments from the Board members?

BY MR. VAN LEEUWEN: No, we have looked at this before. Mr.



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)  
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640  
PORT JERVIS (914) 856-5600

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

Licensed in New York,  
New Jersey and Pennsylvania

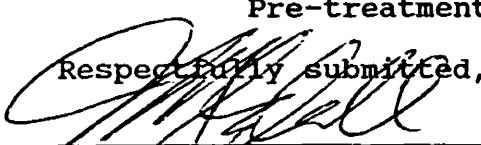
TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS

PROJECT NAME: Jack's Sunoco Site Plan  
PROJECT LOCATION: Route 94 (East of Palomino)  
PROJECT NUMBER: 88-53  
DATE: 9 August 1989  
DESCRIPTION: The Applicants have submitted a plan for the removal of a number of small structures and the construction of a truck repair and automotive repair shop with associated site improvements. The project is located to the east of Palomino Road, on the opposite side of Route 94. The plan was previously reviewed at the 8 February 1989, 14 June 1989 and 26 July 1989 Planning Board Meetings. The Public Hearing opened at the latter aforementioned meeting is being continued at this meeting.

1. Inasmuch as this is a continuation of the Public Hearing and no new plan has been submitted, no "new" review has been made. However, the following items should be discussed or understood by the Board:

- a. This Application will require a "special permit" if approved.
- b. With regard to sign set-back from the property line, the Board may wish to discuss the minimum requirements with the Building Inspector. In addition, the primary concern (from an engineering standpoint), is that proper sight distance not be obstructed.
- c. To date, I have not received the required Industrial User Pre-treatment Questionnaire Form.

Respectfully submitted,

  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEnje

jacks



INDUSTRIAL USER PRETREATMENT QUESTIONNAIRESECTION A GENERAL INFORMATION

1. Company Name: Jack's Sunoco
2. Mailing Address: Route 94  
& Zip Code New Windsor, NY 12550
3. Address of each facility located in the Town of New Windsor  
(if different than item 2): N/A
4. Name of official who will sign this form: Jack Graziano  
Title: President Phone: (914) 562-6300
5. Name of contact person (if different than above): Paul V. Cuomo  
Title Engineer  
Phone: (914) 561-0448

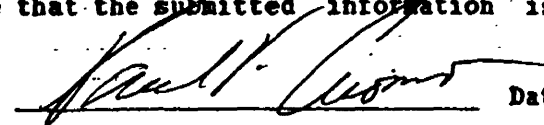
SECTION B PROCESS INFORMATION

1. Will this facility discharge to the sanitary sewer any wastewater other than from restrooms, cafeterias, or non-contaminated cooling water? X Yes        No
2. Briefly describe the primary manufacturing or service activity at premises address and applicable Standard Industrial Classification Code(s) (SIC No.): Auto repair followed by a pre-treatment process (oil water separator)  
effluent characteristics i.e. free hydrocarbon concentrators.
3. List all cleaning or process materials that may enter the wastewater stream of this facility: Gunk
4. Estimate average discharge (gpd) to the municipal sanitary sewer: 200
5. Number of employees: (approx.) 6 employees, (25 gal. each)

**SECTION C. CERTIFICATION**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.

Signature



Date

8/8/89

Any information submitted pursuant to Title 40, Part 403 of the Code of Federal Regulations may be claimed as confidential by the submitter in order to guard the confidentiality of business information or trade secrets. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business and be submitted separately to facilitate identification and handling. A business may assert a business confidentiality claim covering the information by placing on (or attached to) the information at the time it is submitted a stamped or typed legend of suitable form of notice employing language such as "trade secret" "proprietary" or "company confidential". If no claim is made at the time of submission the Regional Sewer Project may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in Title 40, Part 2 of the Code of Federal Regulations (Public Information).

STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
112 DICKSON STREET  
NEWBURGH, NY 12550

Albert E. Dickson  
Regional Director

Franklin E. White  
Commissioner

TOWN of NEW WINDSOR  
555 UNION AVE  
NEW WINDSOR, N.Y. 12550

ATTN PLANNING BOARD

RE: JACK'S SUNOCO  
RT94

Dear Sir

We have reviewed this matter and please find our comments checked below:

☒ A Highway Work Permit will be required

☒ No objection

☐ Need additional information ☐ Traffic Study

☐ Drainage Study

☐ To be reviewed by Regional Office

☐ Does not affect N.Y. State Dept. of Transportation

ADDITIONAL COMMENTS:

Very truly yours,



Donald Greene  
C.E. I Permits  
Orange County

DG/dri



Louis Holmbeck  
County Executive

Department of Planning  
& Development

124 Main Street  
Goshen, New York 10924  
(914) 294-5151

Peter Garrison, Commissioner  
Richard S. DeTurk, Deputy Commissioner

ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT  
239 L, M or N Report

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by TOWN OF NEW WINDSOR D P & D Reference No. NWOT 19-89111  
PLANNING BO OF PAUL V. CROMO, PE. County I.D. No. 67 1, 4 117+18.2  
Applicant PHYLLIS AND JACK GRAZIANO, JR. (JACK'S SUNDOS)  
Proposed Action: SITE PLAN - SERVICE STATION  
State, County, Inter-Municipal Basis for 239 Review FRONTAGE/ACCESS NYS 94

Comments:

Related Reviews and Permits N.Y.S. DEPT. OF TRANSPORTATION

County Action: Local Determination ☒ Disapproved ☐ Approved ☐

Approved subject to the following modifications and/or conditions:

JUNE 19, 1989  
Date

CC: M.E.

Peter Garrison  
Commissioner

AS OF: 03/10/89

PAGE: 1

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-55 NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 88- 53

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	-----DOLLARS-----			
								TIME	EXP.	BILLED	BALANCE
88-53	26811	02/04/89	TIME	NJE	MC JACKS SUNOCO	60.00	0.50	30.00			
88-53	27903	02/07/89	TIME	NJE	CL JACK'S SUNOCO	19.00	0.50	9.50			
88-53	32355	04/04/89	TIME	NJE	MC JACK'S SUNOCO	60.00	0.30	18.00			
88-53	32969	04/18/89	TIME	NJE	MC SUNOCO	60.00	0.30	18.00			
TASK TOTAL								75.50	0.00	0.00	75.50
GRAND TOTAL								75.50	0.00	0.00	75.50

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: May 31, 1989

SUBJECT: Jack - Sunoco Site Plan


Planning Board Reference Number: PB-88-53

Fire Prevention Reference Number: FPS-89-052

A review of the above referenced sit plan was conducted on 30 May 1989.

This site plan is found acceptable.

Plan Dated 3 May 1989, Revision 3

  
Robert Rodgers; CCA  
Fire Inspector

RR:mr  
Att.

CC:M.E.

**INTER-OFFICE CORRESPONDENCE**

**TO:** Town Planning Board  
**FROM:** Town Fire Inspector  
**DATE:** 28 March 1989  
**SUBJECT:** Jack's Sunoco Site Plan

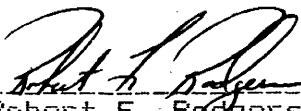
PLANNING BOARD REFERENCE NUMBER: 88-053

FIRE PREVENTION REFERENCE NUMBER: FPS-89-028

A review of the above referenced subject site plan/ sub-division was conducted on 28 March 1989.

This site plan is found acceptable.

PLAN DATED: 26 February 1989, Revision 3

  
Robert F. Rodgers; CCA  
Fire Inspector

CC: M.E.

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 11 October 1988

SUBJECT: Jacki Senoo

Planning Board Reference Number: not supplied 88-53

Fire Prevention Reference Number: 88-85

A review of the above referenced subject site plan/subdivision was conducted on 11 October 1988, with the following being noted.

Chapter 44-11 of N.W. Town Code states a fire lane to be a minimum of 30 feet wide. The area at the front of the building to be increased to 30 feet wide

This site plan/subdivision is found unacceptable.



Robert F. Rodgers; CCA  
Fire Inspector



INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 28 December 1988

SUBJECT: Jack's Sunoco

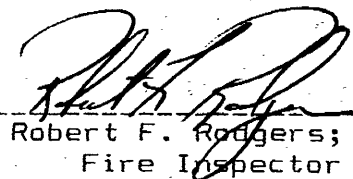
PLANNING BOARD REFERENCE NUMBER: 88 - 53

FIRE PREVENTION REFERENCE NUMBER: 88 - 112

A review of the above referenced subject site plan/ sub-division was conducted on 28 December 19 88.

This site plan was previously disapproved under the Fire Prevention Reference number(s) of FP-88-85.

This site plan is found acceptable.

  
Robert F. Rodgers; CCA  
Fire Inspector

Revised

88 - 53

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR,  
D.O.T., O.C.H., O.C.P., D.P.W., WATER, ~~SEWER~~, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval ✓  
Subdivision \_\_\_\_\_ as submitted by  
Paul V. Cuomo P.E. for the building or subdivision of  
JACK'S SUNOCO has been  
reviewed by me and is approved ✓,  
disapproved \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

\_\_\_\_\_  
WATER SUPERINTENDENT

John P. Egitt  
\_\_\_\_\_  
SANITARY SUPERINTENDENT

7-13-89  
\_\_\_\_\_  
DATE

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR,  
D.O.T., O.C.H., O.C.P., D.P.W., ~~SEWER~~, SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

Paul V. Como for the building or subdivision of

Jack's Success has been

reviewed by me and is approved ☒

~~disapproved~~ \_\_\_\_\_.

~~If disapproved, please list reason~~ \_\_\_\_\_

There is no town water in this Area.

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

Steve Didro  
WATER SUPERINTENDENT

\_\_\_\_\_  
SANITARY SUPERINTENDENT

\_\_\_\_\_  
DATE

Paul Cuomo, Tony Tersillo and Andy Finamore came before the Board representing this proposal.

Mr. VanLeeuwen: Can we have the notices?

Mr. Schiefer: Have you gentlemen seen the engineer's comments?

Mr. Cuomo: No.

Mr. Pagano: I have a copy here for you.

Mr. Schiefer: There is nothing there that will shake you up; Paul.

Mr. VanLeeuwen: I think we have a problem here, Mr. Chairman. Paul, did you check these out? This thing is very confusing.

Mr. Tersillo: We were told, all we were told to do is have the list.

Mr. VanLeeuwen: If we have so many on the list sent, all these people don't have to be on there, is that what you are telling me?

Mr. Tersillo: The assessor said only the people on the north, west, east end across the highway are affected by this.

Mr. VanLeeuwen: The ones that are checked?

Mr. Tersillo: The ones that are circled are to be sent out. This is where they are located.

Mr. Pagano: Mr. Rones, can we have your assistance on this?

Mr. VanLeeuwen: Joe, I think you ought to look at this. They have one list and it is circled. I don't know if that is going to be legal. That is the problem.

Mr. Schiefer: I understand what you are saying. I also understand what is being said. They were given two lists.

Mr. Finamore: The workshop indicated that we had to send it out within 500 feet. I went to the young lady in there and I told her we need a list for 500 feet. She did that. She gave me the list for the people for 500 feet. In the interim of gathering the list and me picking the list up, what happened was they then found out, Tony did, that it wasn't 500 feet because it is not a variance and all we had to do is contact the people that were adjacent to the property.

Mr. Tersillo: That information came from Barbara Hart from the Town Attorney's office. I called the assessor.

Mr. Rones: Pat Barnhardt?

Mr. Tersillo: Yes, I called the assessor's office to find out. I had 32 envelopes addressed and she said you didn't have to do that. I said we received a list of people within 500 feet. The Town Clerk gave us that, the assessor's office gave us, Pat Barnhardt indicates that is her information.

Mr. VanLeeuwen: They gave you a list, okay, nobody said they didn't give you a letter saying only the circled ones had to be--

Mr. Tersillo: Pat Barnhardt--I circled them. She knew there was a mix up and she said we were given the wrong information. She said she contacted the assessor and she, Leslie Cook, told me, circled these on our list then they have a xerox copy of the same list on file and she said she was circling the same five or seven or nine on here, on this list.

Mr. VanLeeuwen: The thing we are questioned whenever a public hearing in order to make it legal, everything has to be 100% kosher. We are going to have to get this checked out. If we do anything, we will have to do it subject to that.

Mr. Tersillo: She has a copy of this list.

Mr. Schiefer: If the proper people have been notified, there is no reason why we can't proceed now, is there?

Mr. Rones: No.

Mr. Schiefer: There will be no decisions made anyway. If this comes up in the future that the people that were supposed to be notified were not and I am not saying they were not but if they were not, we will have to schedule another public hearing. However, if that list is absolutely, if that is as you say it is, this will be the public hearing and that will be the end of it.

Mr. VanLeeuwen: We will adjourn the public hearing tonight and keep it open until the next meeting.

Mr. Schiefer: Until we verify that. Okay, Paul, proceed.

Mr. Cuomo: Yes. The comments--

Mr. Schiefer: Paul, would you put a map on the board in back or give me one I can put up there?

Mr. Cuomo: I would like to, okay, we do have DOT finally, we have DOT, no exception to this project. In other words, they approved it. We have to get a permit before we start the work. They gave us the, DOT gave us all the instructions to follow. We have to post bonds and so forth.

Mr. VanLeeuwen: But they didn't give you a letter that they approved it?

Mr. Cuomo: They gave Mark.

Mr. VanLeeuwen: Okay, as long as they gave it to Mark.

Mr. Cuomo: There is something in there about this administrative information. I handed that in three weeks ago. I don't--there is a girl, I don't know why she--I handed it to her.

Mr. Schiefer: A girl down where?

Mr. Cuomo: On the sewer plant. She is the administrator of the pre-treatment. I handed it to her. She must have just misplaced it. I gave the plans also so it was about--

Mr. Tersillo: My sister is coming with a letter from the guy from the sewer.

Mr. Schiefer: DOT is Don Green, he has no objection. I have a letter from Don Green with no objection with the plan saying everything was approved and a copy was supposed to have been sent to the town.

Mr. VanLeeuwen: We have looked at the plan, all we are discussing is the special permit, right?

Mr. Cuomo: Yes. We are trying here, let's see the applicant and the construction of truck repair so I guess the only thing left is to verify the fact is the pre-treatment and the list.

Mr. Schiefer: Any questions from the Board before we open this to the public for comments?

Mr. Pagano: Maybe I missed something but this application is Phyllis and Jack Graziano. I don't know who these gentlemen are.

Mr. Tersillo: We are also owners of the property but the application has been in Phyllis and Jack's name. I am Phyllis' brother.

Mr. Pagano: Are you partners? Are you the owners of the property?

Mr. Finamore: Phyllis, Tony and myself.

Mr. Pagano: I am wondering why the application is not made out properly.

Mr. Finamore: At that time we didn't have a corporation. Matter of fact, the name of it now is called First Venture. We got it incorporated.

Mr. Pagano: How are you going to record this in the county?

Mr. Cuomo: That doesn't get recorded in the county. That is town site plan. It is not a subdivision.

Mr. VanLeeuwen: I think you can open it up to the public. I have no further comments.

Mr. Schiefer: I agree with Mr. Pagano, I am a little, I was a little confused. I was looking for Phyllis and Jack but let's open it up to the public. Anyone here for questions, anyone in the audience have any questions on this plan?

Sylvia Feely (Phonetic): I live on Lannis Avenue. Where is this located on 94?

Mr. Cuomo: It is located on 94, it is before the railroad, the old, you know, when you go on 94 and you see the railroad tracks.

Mr. Soukup: Next to the black building that is going up.

Mrs. Feely: Proximity to Willow Lane?

Mr. VanLeeuwen: No, no wheres near Willow Lane.

Mr. Schiefer: Past Waldbaum's and out on that end of 94.

Mr. Soukup: Kurt, can we ask Kurt what the setback is on the sign, the front yard setback on the sign?

Mr. Schiefer: Let the public have their comments and we will go back at it again ourselves. Now, do you have any other comments?

Mrs. Feely: No, I just was wondering where the location was.

Mr. Schiefer: That is all?

Mrs. Feely: That is all.

Mr. Schiefer: It is far enough away from you?

Mrs. Feely: Yes, that is perfectly all right.

Mr. Schiefer: Any other comments from the public? If not, I will close the public portion of it and Mr. Soukup, do you have a question?

Mr. Soukup: Do you know what the setback is on the sign?

Mr. Matscherz: Required or proposed?

Mr. Soukup: Required.

Mr. Matscherz: Not without looking in the code.

Mr. Soukup: The sign that is proposed is right up against the front right-of-way. I find it hard to believe that it should be that close. It is that type. It must be back.

Mr. Cuomo: Probably 25 feet from my memory which is failing.

Mr. Soukup: I don't know what the number is but I would suggest that the sign needs to be relocated to provide the minimum setback up front whatever that number is.

Mr. VanLeeuwen: I have one comment to make before any building permit is to be issued here, I'd like to see that one-story dwelling removed before any work gets started.

Mr. Finamore: That is on the minutes in the beginning there it was C.O. would not be issued prior to that building being knocked down so you said that.

Mr. VanLeeuwen: I prefer to see the building permit not be issued. When are you going to knock down the building?

Mr. Finamore: Hopefully when the other building gets up. If you look in the minutes, that is what you told us to do.

Mr. VanLeeuwen: That building looks like hell.

Mr. Tersillo: We are--it has been painted just to remain there, just painted for the interim until the other building goes up because that is what we agreed on.

Mr. Finamore: That is coming down. That says it on the plan that it has to come down prior to the other building being occupied.

Mr. Soukup: That second part of the condition is not on the note. It says to be removed but no reference as to time.

Mr. Finamore: The minutes just told us that.

Mr. Schiefer: You have in your notes now that it is, that it is to be before the C.O. is issued, that it will be down.

Mr. Finamore: That is what you told us.

Mr. Schiefer: Any other questions from the Board?

Mr. VanLeeuwen: I'd like to adjourn the public hearing.

Mr. Rones: I'd like to make a comment for the record so that it doesn't get lost in the shuffle. I have a feeling that there was a misunderstanding on the part of Mrs. Barnhardt regarding the necessity of notice. If this was a site plan review, then only the adjoining property owners need to be notified but on a special permit which this is, the 500 foot requirement is in effect as far as I understand so I will have to clear that up with Pat as to what her understanding was and if I am incorrect, so be it but if the paper trail has to be cleared-up, now you will have to comply with that requirement.



Mr. Finamore: I also asked, not the building inspector, Mark Edsall, he told me originally, I thought he said 500 feet and therefore you see what we have, all the letters there made out.

Mr. Rones: I understand.

Mr. Tersillo: We have been told and we have done and then we undone.

Mr. Rones: I appreciate your problem. We will have to clear it up.

Mr. Finamore: Mr. Edsall said no, only adjacent property. We got that from Mr. Edsall and from Pat Barnhardt so I don't know what to do.

Mr. VanLeeuwen: That is why I adjourned the public hearing. If we close it and it came to be that you had to send out the notices, we can re-enter the public hearing. Otherwise, we'd have to start all over again.

Mr. Rones: You have already done the publication, You have sent out the notices to whoever got it and in fact you should leave that here so that it can be made part of the file and it is possible that you might have to send out the rest of those notices but the secretary will let you know.

Mr. Cuomo: We are going to leave the public hearing open?

Mr. Schiefer: We are going to adjourn, not close it and Mr. Rones will get together with Pat and we will straighten it out. There has been no adverse comment but I don't want to end up in the future that we have done something illegally. We will leave it up to you to get together with Pat.

Mr. Cuomo: This is the sewer approval.

Mr. Schiefer: I will put both of these into the file.

Mr. Cuomo: I think it--

Mr. Schiefer: I said it is the original name.

Mr. Soukup: Why don't we let them send it into the town and Mark both.

Mr. Schiefer: Do you want to do that?

Mr. Cuomo: Yes.

Mr. Finamore: This is a copy that you people have, that is on the Orange County, they said that you had one but we have one here just in case you don't.

Mr. Schiefer: Paul, keep in touch with Joe. We will check out if there is any problem and you can get back to him, you will be the contact. The only thing that is in question, were the right people

notified and if they weren't, it is not your fault but I don't want to find ourselves later on. Just resolve that issue. The public hearing is adjourned, not closed and pending, we will investigate the legality of it and if everything is as it is supposed to be, we will close the public hearing but right now, it stands adjourned. I have heard no adverse comments. I see no problem. I am sorry it has to drag out but you wouldn't have gotten a decision.

Mr. Finamore: What is our next step, find out what the attorney finds out. Let's assume for one minute that everything is okay and the attorney says that we have done the right thing.

Mr. VanLeeuwen: Then we make a decision in the next six months. We will make a decision.

Mr. Soukup: You have to come on the agenda.

Mr. Schiefer: You still have to come in here to get the final approval.

Mr. Ronces: Come back for another meeting.

Mr. Finamore: How do we schedule that?

Mr. Schiefer: Paul will contact our building inspector. There is not a very large backlog. It will not take long. If it is not next meeting, it will probably will be the meeting after.

Mr. Finamore: Thank you very much.

Mr. Ronces: Second Wednesday in August.

Mr. Cuomo: All I ask for, I have a Joe as a contact which is very good, I need a town official.

Mr. Schiefer: You and Joe resolve whether or not the public hearing meeting has to be extended. The only thing I can't give you is the date of the next meeting when we will get final decision from the Board.

Mr. Cuomo: Key officials are on vacation, that is why I am asking.

**CHIEF'S DENOC - SITE PLAN (88-53) ROUTE 94**

Mr. Paul Cuomo, Mr. Finamore and Mr. Tersillo came before the Board representing this proposal.

Mr. Cuomo: Mr. Finamore is with me tonight along with Mr. Tersillo, principles of the property. This project started back in August and the site plan is basically down on Route 94 in front of the New Windsor school across from the old Aquarium Lounge.

Mr. VanLeeuwen: We have been there already.

Mr. Soukup: Since we have been here, we have arranged the building to suit the Fire Department and we have put in curbs per comments basically some of the comments though are large comments. It was on the drainage. We put in a drainage indication of where the drainage would go further down the road towards the railroad. There is a 24 inch diameter culvert under the State lands and that is basically where we had put our drainage. We also had a question of the oil/gas and oil separator which we do a second sheet on with a profile and how it is going to hook-up to the existing sewer. This separator works sort of like a small sewage plant and releases the oil to a certain, about 15 parts per million, I think, you can see it up there. I have a picture of that.

Mr. Finamore: The town recommended something for an oil separator?

Mr. VanLeeuwen: Did you get a copy of the engineer's comments?

Mr. Cuomo: We didn't get any comments since the last workshop. We have been to a couple of workshops and we, the last workshop reflected the comments and that is what you are looking at, these maps here, these maps were put on for the agenda but we haven't had any comments since then.

Mr. Schiefer: Mark, you have seen these, right?

Mr. Edsall: The last plan I reviewed is dated May 13th and it was received by the Planning Board May 19th.

Mr. Schiefer: Now, these are supposed to incorporate the recommendations of the workshop session?

Mr. Edsall: Yes, we did go over those with Paul and there were some pretty minor items that we're still waiting for some additional responses on. The largest item is the DOT's review of the, not only the driveway but the drainage through that area. Again, that is really out of our control but I understand that he has been working with Don Green and will be hearing from him shortly.

Mr. Cuomo: I talked to Green tonight about this.

Mr. Finamore: We went back to the office at 8 o'clock and he said

he is going to speak to Mark Edsall but this has been approved. We have the right of access.

Mr. Edsall: You are showing it almost like a separate lot here with a two-story dwelling on it. Was this part of the separate lot prior to this subdivision?

Mr. Finamore: Yes, we didn't touch it. That is the way we purchased it.

Mr. McCarville: It says exit to be removed.

Mr. Finamore: They were sheds, they are all gone.

Mr. VanLeeuwen: You are going to take that one little house?

Mr. Finamore: Yes, it is noted on the plan before we get C.O., it has to be taken down prior to the C.O.

Mr. McCarville: You have a proposed well shown here and there is another well behind this dwelling that was kind of capped.

Mr. Finamore: It is a pump.

Mr. McCarville: Is that a useable well?

Mr. Finamore: I don't know if it is useable but the kids pumped it up and down.

Mr. Tersillo: We have city, there is town water but--

Mr. Cuomo: The city water doesn't come down that far.

Mr. Pagano: Do you want the refuse area covered?

Mr. McCarville: It is closed. Are you going to have a dumpster?

Mr. Finamore: I assume so.

Mr. Cuomo: We can put a bigger space.

Mr. Finamore: The building right now, we are looking into a steel building. There has been no, because of we are waiting to get done with this.

Mr. Lander: The only reason I bring it up, you can't get a container here because it is only 4 feet wide. If the building was made out of block, make the enclosure out of block because the fences, they will knock them down.

Mr. Tersillo: We will compliment it.

Mr. McCarville: We are not to enthused about metal buildings as a Board.

Mr. Finamore: On the steel buildings, where they can put an actual steel building up but the front of it, they can leave the steel off of it and you can have it actually all bricked or stonefaced so you don't have that steel looking barn thing which doesn't lend itself to a retail type of a building.

Mr. Soukup: When you say retail, I see car bays, 30 by 70.

Mr. Finamore: There is going to an automotive repair shop, hopefully, about 2500 square feet for automotive repair. Now, right now, we are in the little discussions with the auto parts like--

Mr. Soukup: The only problem you are right on the button for the parking requirements so you don't have alot of flexibility. You can't put in an office space in one of those.

Mr. Finamore: No, we are not discussing office space.

Mr. Soukup: You don't have enough parking for office use. If the use changes from the ratios used in the parking count you have to come back and meet the requirement. You are aware of that?

Mr. Finamore: Yes. Mr. Cuomo went over with how many spots per bay and we are aware that that being, not being an office building.

Mr. Tersillo: Even the height requirement is based on that.

Mr. McCarville: What is the plan for the dwelling?

Mr. Tersillo: Currently, it is one family. We are having a paint job done. If it didn't rain, he would have it done.

Mr. McCarville: I will make a motion that we assume lead agency status under the SEQR process with regard to Jack's Sunoco Site Plan (88-53).

Mr. VanLeeuwen: I will second that motion.

ROLL CALL:

Mr. McCarville	Aye
Mr. VanLeeuwen	Aye
Mr. Pagano	Aye
Mr. Soukup	Aye
Mr. Lander	Aye
Mr. Schiefer	Aye

Mr. McCarville: How does the Board feel about a public hearing? This requires a special use permit.

Mr. VanLeeuwen: We have to have a public hearing. I make a motion that we schedule a public hearing at the next available agenda.

Mr. Pagano: I'll second that motion.

Mr. Finamore: We are looking to make a portion of this automotive repair and then hopefully a portion of this for like an automotive aids store.

## ROLL CALL:

Mr. McCarville	Aye
Mr. VanLeeuwen	Aye
Mr. Pagano	Aye
Mr. Soukup	Aye
Mr. Lander	Aye
Mr. Schiefer	Aye

Mr. Soukup: I don't think you have space for retail establishment or office space. You are going to have to verify the use.

Mr. Edsall: That is one of things I picked up when I reviewed it. Comment #3, I am a little confused as to what portion of the building are being used for what so I had no way of confirming that the parking calculations was correct or incorrect.

Mr. Finamore: We haven't the slightest idea. We know we are trying to do something with autos and repair.

Mr. Edsall: The problem we have is that you have to show us the amount of each use so that we can make sure the parking is right.

Mr. Finamore: As soon as I put the building up.

Mr. Edsall: You have to decide now.

Mr. Soukup: You have got to make the area of the building and the use of that area relate to the number of cars you have got otherwise he can't get a site plan, clarify the table and go over it with Mark before the hearing.

Mr. Edsall: Bottom line is if you change retail sales area to office, you'd need less parking spaces that wouldn't cause a problem. If you had enough, if you went from office to retail, you may need more parking.

Mr. McCarville: The office is part of the repair shop.

Mr. Cuomo: Retail is 150 and the repair is 200.

Mr. Roncs: Then you have got to clearly indicate on there that the office is part of the auto repair business because we don't want to have a situation where you have an auto repair business and you have an accountant's office.

Mr. Finamore: No, these are business related offices.

Mr. Roncs: It might be a better idea to get it back in here before the hearing is scheduled so when the notice goes out, it goes out for the right things.

Mr. Edsall: Schedule an appointment at the work session and we will make sure that everything is brought up and I will give Paul a copy of the comments that they are taken care of and we will work with the Chairman on getting you on the agenda.

Mr. Ronces: In order not to cause the applicant further delay, once the plans have been revised per the work session, the whole application that is the revised plans, the application, the EAF form should be sent out to the Orange County Planning Department because you are on Route 94 here and Orange County Planning Department review is necessary and if you do it at that time, it will save you time down the road because we have got to give them a 30 day comment period.

Mr. Cuomo: I have no way of making the guy work on it.

Mr. Edsall: Here is my comment, just for your information. The information I referred as Paul said, the industrial user pretreatment questionnaire that is not something that we just lightly hand out. The State Department of Environmental Conservation has requested that the Town of New Windsor have any industrial user complete this form so that they can show compliance with the pretreatment program for industrial users so it is not something that I came up with. I was requested from the sewer department to require that any commercial user fill this out at the Planning Board stage so that before the sewer department tells this Board that he has no objection to them doing what they propose, he understands what they intend to do. That is why I am giving you this form now with a set of my comments so we can give it to him.

Mr. Cuomo: I agree with you but you have to understand that is a complex installation and it may take a long time before I satisfy him.

Mr. Edsall: That form is merely letting the sewer department know what you are going to discharge. That is all it is doing. If you are saying that you are discharging floor drain collected fluids from floor drains and putting into oil/water separator, that is what you say. It is not anything that complex for this type of use. If it was a chemical plant or a producer of chemicals, you'd have a more difficult time.

Mr. Cuomo: If I may summarize, we have got to show these people exactly pretty much what we are going to put in that building so that each member to their satisfaction can compute the parking, am I correct?

Mr. Schiefer: Yes, it is going to be--

Mr. Ronces: Different parking requirements for different uses so you are going to have to take a look at those requirements and decide what you want to utilize the building for.

WINDSOR HWY. SUNOCO - SITE PLAN( 88-53) RT. 94

Mr. Paul Cuomo came before the Board representing this proposal.

Mr. Cuomo: Phyllis and Jack Graziano, Mr. Fenamore (phonetic) and Anthony Trazilio (phonetic), this is, as you know, where it is located, this site, this is the first time we have had this but we did make a change while we were waiting. This site, as you know, is down by F & M Plumbing and I'm going to let these people explain exactly how it is going to work. As you see, we have got a parking and we tried to maintain the 30 foot access around the whole building as per fire regulations.

Mr. VanLeeuwen: What about the stuff in the front. Is that going to come down.

Mr. Trazilio: We'd like to leave the existing two-story frame dwelling that is in the southeast corner of the lot. We want to hold the other one until we get the other down. There is a family living in there. It is habitable. It is in good shape but our plan is to remove that 500, 600 square foot unit.

Mr. VanLeeuwen: What are you going to do with that?

Mr. Trazilio: We are going to fix it up. We only bought it last month.

Mr. Soukup: Is that all on a separate one?

Mr. Trazilio: Two different deeds but one parcel sold to us, two parcels one deed.

Mr. Soukup: One tax lot number.

Mr. Cuomo: Two tax lot numbers.

Mr. VanLeeuwen: But it's never been subdivided.

Mr. Trazilio: Yes.

Mr. Soukup: It is two tax lots.

Mr. Cuomo: I'd have to look it up.

Mr. Soukup: Do we have a subdivision and a site plan or just a site plan.

Mr. Edsall: I checked the tax map. It appeared that that front lot with the two-story dwelling and the one-story dwelling seems to be a separate tax lot.

Mr. Cuomo: It is just a site plan, not a subdivision.

Mr. Soukup: Mark, can you check the file deed and see what the date was on the filing.



Mr. Edsall: I have no direct means of checking that unless I go to Goshen.

Mr. Babcock: We can ask the applicant to verify it.

Mr. Cuomo: I have got tax maps here. It is two separate ones.

Mr. Edsall: Vince, I will check on the maps, check to see if there are subdivision numbers on there.

Mr. VanLeeuwen: I suggest we go down and take a look at this.

Mr. Pagano: I'd like your engineer's next time, if he can, improve the map so he shows us where the bordering houses are and buildings surrounding it so we have an idea how it is going to impact the houses.

Mr. VanLeeuwen: Put on one-story dwelling to be removed.

Mr. Trazilio: At the time when the new building is erected, is that all right.

Mr. McCarville: Before a C.O. is issued on the proposed building.

Mr. Edsall: Just two comments. First, just so that we have something on record noted the plan that I reviewed is significantly different than this one so we should ignore the comments I made since the plan is different so if somebody goes back in the minutes, the comments will seem inappropriate, that is because it is two different plans. Secondly, Mike and I were just wondering what the 5200 square foot is. There is an automotive repair shop but no identification as what the 5200 square foot is going to be used as.

Mr. VanLeeuwen: What kind of a repair do you do?

Mr. Graziano: Automotive repair, engine diagnostics.

Mr. Soukup: No auto body.

Mr. Trazilio: No.

Mr. Edsall: Just a note we have requested that the next plan that comes in shows the breakdown internally of the building on the plan because it is--this is a third generation, well, what we have, is an original plan, a new plan that shows another internal layout now a xeroxed copy that shows a different layout so that we can review the plan for compliance of code, we have to get one version so on the next one, have it all on one plan.

Mr. Trazilio: Let's say we get this and put on it here and it conforms what happens, let's say Jack's repair wants to move the wall over 5 feet. Is there a problem or do we have to come back with another plan.

Mr. Babcock: All the regulations go by the uses of the building, the square footage of a use determines the parking area, determines the criteria of the thing so if you have three different uses here, you'd have three different criterias.

Mr. Trazilio: The uses are the same.

Mr. Edsall: But, the square footages may change and that may change the parking requirements.

Mr. Trazilio: What would alter the parking?

Mr. Edsall: The parking is based on the number of bays and then the residual area besides the bay, repair areas for offices, it is based on a different ratio for parking so the type of use you have is going to be what we would use to find out and the amount of each use will determine the parking. If you change the percentages, it will effect the parking.

Mr. Cuomo: This layout, the fire department approved it, so we are not going to change it because I have approval from the fire department.

Mr. Babcock: Can we have sign detail sizes and height and stuff on the plan, please. It just says sign there and for us really to approve it, we should know what the sign consists of.

Mr. Cuomo: Yes.

ALTA Owner's Policy  
(10-21-87)  
FTWC-500

**Horizon Abstract Corp.**

55 St. John Street

Goshen, NY 10924

(914) 294-9114 or (800) 346-0303

# POLICY OF TITLE INSURANCE



ISSUED BY

Policy No. ZZ 103767

Title No. 740-0-4091

## *First American Title Insurance Company of New York*

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY OF NEW YORK, a New York corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

*First American Title Insurance Company  
of New York*

*Robert D. McEachern*  
AUTHORIZED SIGNATURE

Robert D. McEachern

BY:

*R. D. McEachern*

PRESIDENT



*First American Title Insurance Company of New York*

**SCHEDULE A**

Title No. 740-0-4091

Policy No. ZZ 103767

Amount of Insurance \$ 155,000.00

Date of Policy December 19, 1988

1. Name of insured: PHYLLIS T. GRAZIANO and JACK V. GRAZIANO, as tenants by the entirety  
ANDREW A. FINAMORE and ROSE S. FINAMORE, as tenants by the entirety,  
ANTHONY L. TERSILLO and PETRINA A. TERSILLO, as tenants by the  
entirety

2. The estate or interest in the land which is covered by this policy is: fee simple

3. Title to the estate or interest in the land is vested in:

a Deed dated 12/19/88 made by Robert E. Waxtel and Edward Smith to the Insured  
and recorded in the Orange County Clerk's Office.

4. The land referred to in this policy is described as follows:

See "Schedule A" annexed hereto

*First American Title Insurance Company of New York*

**SCHEDULE B**

Title No. 740-0-4091

Policy No. ZZ 103767

**EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Any state of facts an accurate survey would show.
2. Utility line easement in Liber 1169 page 378.
3. 3rd installment 88/89 School Tax.

*First American Title Insurance Company  
of New York*

Title No. 740-0-4091

## SCHEDULE A

ALL that certain lot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York being more particularly bounded and described as follows:

BEGINNING at a point in the northerly line of New York State Route 94, said point being 25 feet from the centerline of pavement, said point also being the following two courses from the corner of the intersection formed by the north line of New York State Route 94 and the easterly line of a 66 foot wide right of way of the Consolidated Rail Corp.,; (1) N 58° 55' 00" E, 519.97 feet, thence; (2) S 39° 32' 25" E, 8.09 feet, thence from said point of beginning:

- (1) N 39° 32' 25" W, 221.98 feet along lands now or formerly of Blooming Grove Operating Co., Inc., thence;
- (2) N 35° 30' 00" E, 187.47 feet along the right of way line of the Consolidated Rail Corp., thence the following two courses along lands now or formerly of Allen;
- (3) S 40° 34' 00" E, 202.94 feet, thence;
- (4) S 37° 46' 00" E, 94.55 feet, thence;
- (5) S 58° 55' 00" W, 183.82 feet along the northerly line of New York State Route 94 to the point of beginning.

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.

FOR  
CONVEYANCING  
ONLY

TOGETHER with all the right, title and interest of the party of the first party, of, in and to the land lying in the street in front of and adjoining said premises.

# *First American Title Insurance Company of New York*

## **NEW YORK ENDORSEMENT (OWNER'S POLICY)**

to be attached to Policy No. 77 103767

Title No. 740-0-4091

**1. The following is added to the insuring provisions on the face page of this policy:**

**"5. Any statutory lien for services, labor or materials furnished prior to the date hereof, and which has now gained or which may hereafter gain priority over the estate or interest of the insured as shown in Schedule A of this policy."**

**2. The following is added to Paragraph 7 of the Conditions and Stipulations of this policy:**

**"(d) If the recording date of the instruments creating the insured interest is later than the policy date, such policy shall also cover intervening liens or encumbrances, except real estate taxes, assessments, water charges and sewer rents."**

**"(e) Provision is made in the rate manual of this company filed with the Superintendent of Insurance of the State of New York for continuation of liability to grantees of the insured in certain specific circumstances only. In no circumstance provided for in this sub-section shall this company be deemed to have insured the sufficiency of the instrument of conveyance or to have assumed any liability for the sufficiency of any proceedings after the date of this policy."**

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

64-41-17  
**THIS INDENTURE**, made the 19<sup>th</sup> day of December, nineteen hundred and eighty eight  
**BETWEEN**

ROBERT E. WAXTEL, residing at No# Ridge Road, Cornwall, New York and  
EDWARD SMITH, residing at No# Saddleback Ridge, Gardiner, New York

party of the first part, and

PHYLLIS F. GRAZIANO and JACK V. GRAZIANO, as tenants by the entirety, residing at 13-18 Union Avenue, Newburgh, New York in an undivided one-third interest as tenants in common with ANDREW A. FINAMORE and ROSE S. FINAMORE, as tenants by the entirety, residing at 3 Wayfarer Land, Smithtown, New York in an undivided one third interest as tenants in common with ANTHONY L. TERSILLO and PETRINA A. TERSILLO, as tenants by the entirety, residing at RD#1, Box 1192, Gardiner, NY  
party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York being more particularly bounded and described as follows:

BEGINNING at a point in the northerly line of New York State Route 94, said point being 25 feet from the centerline of pavement, said point also being the following two courses from the corner of the intersection formed by the north line of New York State Route 94 and the easterly line of a 66 foot wide right of way of the Consolidated Rail Corp.; 1) N 58 degrees 55' 00" E, 519.97 feet, thence; 2) S 39 degrees 32' 35" E, 8.09 feet, thence from said point of beginning;

- 1) N 39 degrees 32' 25" W, 221.98 feet along lands now or formerly of Blooming Grove Operating Co., Inc., thence;
- 2) N 35 degrees 30' 00" E, 187.47 feet along the right of way line of the Consolidated Rail Corp., thence the following two courses along lands now or formerly of Allen;
- 3) S 40 degrees 34' 00" E, 202.94 feet, thence;
- 4) S 37 degrees 46' 00" E, 94.55 feet, thence;
- 5) S 58 degrees 55' 00" W, 183.82 feet along the northerly line of New York State Route 94 to the point of beginning.



SUBJECT TO covenants, easements and restrictions of record, if any.

BEING and intended to be the same premises conveyed by deed dated October 9, 1987, from Josephine Patane and Mary Lena to Robert Waxtel and Edward Smith and recorded in the Orange County Clerk's Office on October 19, 1987 in Liber 2816 of deeds at Page 228.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

  
ROBERT E. WAXTEL

  
EDWARD SMITH

LIBER 3059 PAGE

51

3290

Standard N.Y.S.T.U. Form 8002. Bargain and Sale Deed, with Covenant Against Grantor's Acts—Individual or Corporation.

B-3290  
RESERVE THIS

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

STATE OF NEW YORK, COUNTY OF ORANGE

On the 19<sup>th</sup> day of December 19 88, before me personally came

ROBERT E. WAXTEL AND EDWARD SMITH

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that they executed the same.

Notary Public

ARNOLD A. BERNSTEIN  
NOTARY PUBLIC, State of New York  
No. 0270150  
Qualified in the County of Orange  
Commission Expires October 31, 1989

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

DE FOR ROCK 25978 BONES 24 TO THE BONES OF RECORDING

2) 2 28 401662 22, 00, 2' 183'35 1961 1961 1961 1961

3) 2 31 401662 42, 00, 2' 29'22 1961 1961 1961 1961

3) 2 44 401662 34, 00, 2' 305'27 1961 1961 1961 1961

FROM 1961 BONES 24 TO THE BONES OF RECORDING

FROM 2 28 401662 22, 00, 2' 183'35 1961 1961 1961 1961

3) 2 31 401662 42, 00, 2' 29'22 1961 1961 1961 1961

FROM 1961 BONES 24 TO THE BONES OF RECORDING

**BARGAIN AND SALE DEED**

**WITH COVENANT AGAINST GRANTOR'S ACTS**

**TITLE No. 101 0611111111**

**SECTION**

**6721 1961 1961 1961**

**BLOCK**

**4**

**LOT**

**17 & 18.2**

**COUNTY OR TOWN**

**Town of New Windsor**

**Recorded at Register of COMMONWEALTH LAND  
TITLE INSURANCE COMPANY**

**RETURN BY MAIL TO:**

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS



**COMMONWEALTH LAND  
TITLE INSURANCE COMPANY  
A Reliance Group Holdings Company**

**Zip No.**

**LIBER 3059 PAGE 52**

**B-3290  
RESERVE THIS SPACE FOR USE OF RECORDING OFFICE**

PRINT OR TYPE: BLACK INK ONLY

Robert E. WAXTEL  
Edward Smith  
TO

HORIZON ABSTRACT CORP.

Phyllis T. Graziano JACK V.  
Graziano, Andrew A. Finamore  
Rose S. Finamore Anthony L.  
Tersillo + Petrina A. Tersillo

RECORD AND RETURN TO:  
(Name and Address)

Joseph Fogarty, ESQ  
34 Rte 17K  
Newburgh, NY 12550

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. **066080** DATE **12-19-88** AFFIDAVIT FILED **19**

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

BG20 Blooming Grove  
CH22 Chester  
CO24 Cornwall  
CR26 Crawford  
DP28 Deerpark  
GO30 Goshen  
GR32 Greenville  
HA34 Hamptonburgh  
HI36 Highland  
MK38 Minisink  
ME40 Monroe  
MY42 Montgomery  
MH44 Mount Hope  
NT46 Newburgh (T)  
NW48 New Windsor  
TU50 Tuxedo  
WL52 Wallkill  
WK54 Warwick  
WA56 Wawayanda  
WO58 Woodbury  
MN09 Middletown  
NC11 Newburgh  
PJ13 Port Jervis  
9999 Hold

SERIAL NO. \_\_\_\_\_

Mortgage Amount \$ \_\_\_\_\_

Exempt Yes \_\_\_\_\_ No \_\_\_\_\_

3-6 Cooking Units Yes \_\_\_\_\_ No \_\_\_\_\_

Received Tax on above Mortgage

Basic \$ \_\_\_\_\_

MTA \$ \_\_\_\_\_

Spec. Add. \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

CHECK ☒ CASH ☐ CHARGE ☐

MORTGAGE TAX \$ \_\_\_\_\_

TRANSFER TAX \$ **620-**

RECORD. FEE \$ **11-**

REPORT FORMS \$ **5-**

CERT. COPIES \$ \_\_\_\_\_

MARION S. MURPHY  
Orange County Clerk

by: \_\_\_\_\_

ORANGE COUNTY CLERK'S OFFICE S.S.

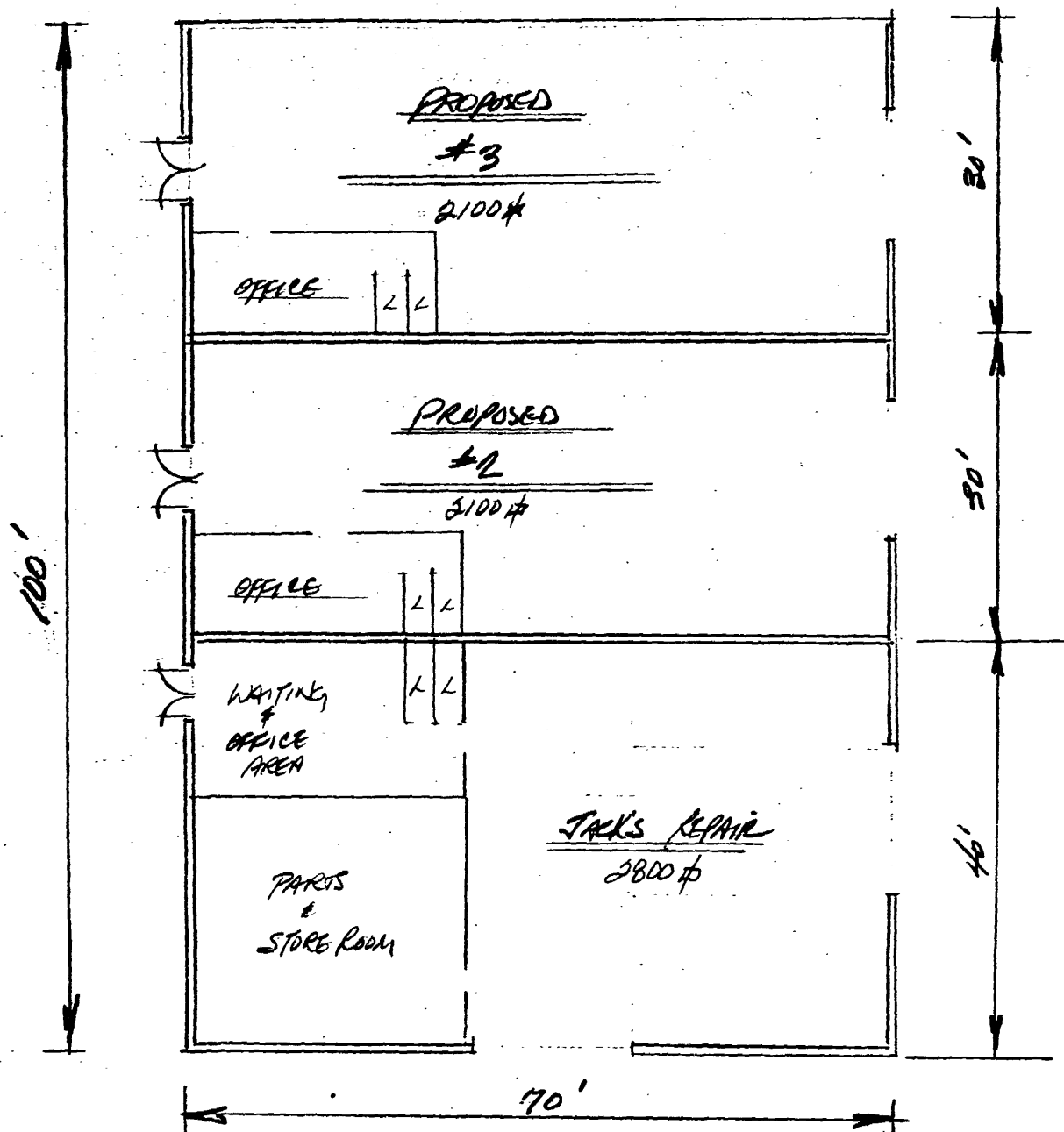
Recorded on the **22nd** day of **Dec** 19 **88** at **1:04**

O'Clock **P.** M. in Liber/Film **3059**  
**Reads** at page **50** and examined.

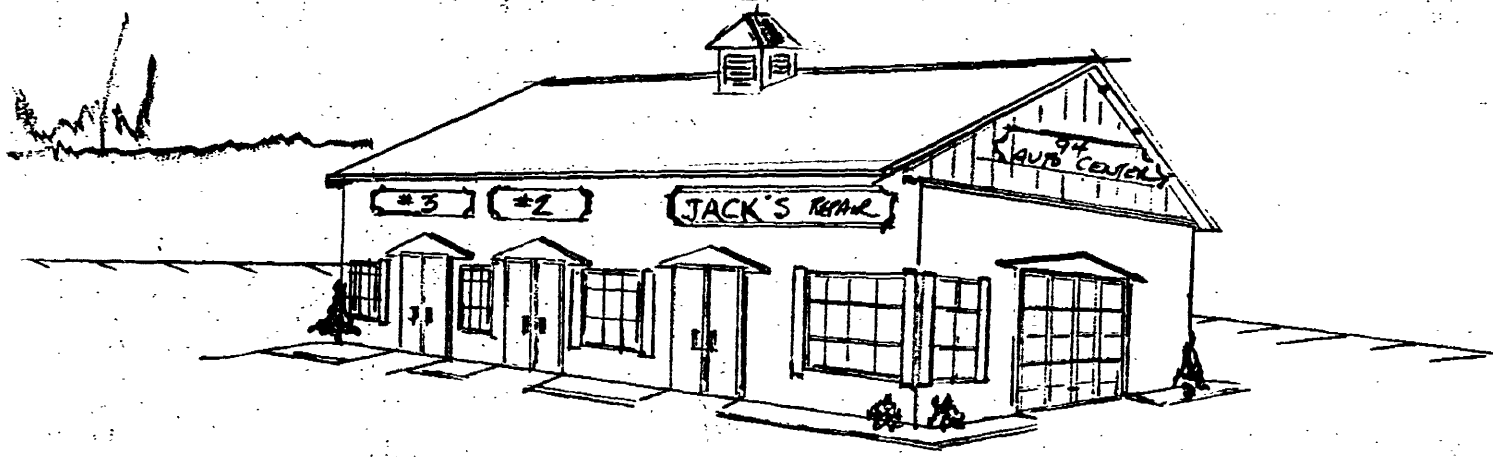
**Marion S. Murphy**  
County Clerk

*Horizon*

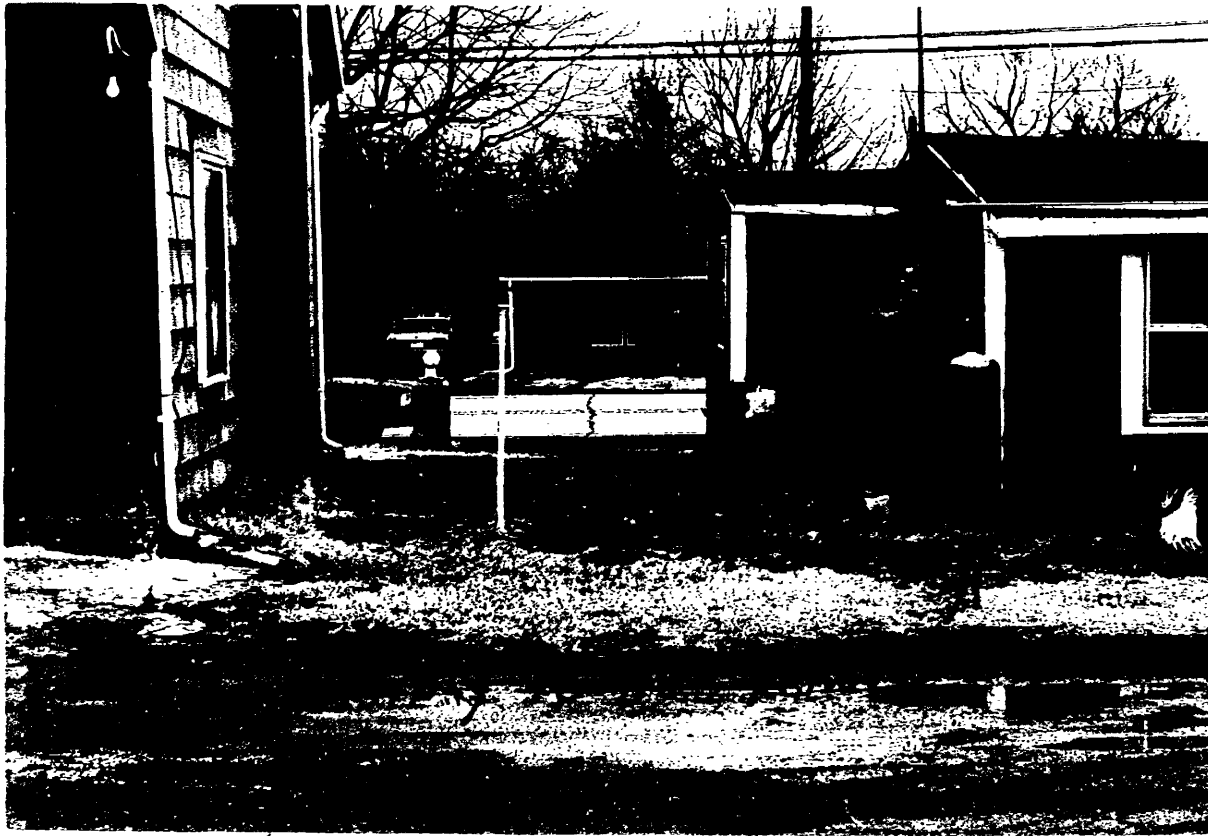
RECEIVED	
\$ <b>620.00</b>	
REAL ESTATE	
DEC 22 1988	
TRANSFER TAX	
ORANGE COUNTY	



SCALE:  $\frac{1}{16}'' = 1'-0''$



SOUTHWEST ELEVATION



2  
1  
2



Pos  
R640V6  
V

1  
07  
2

GBAZIANO - SHOY



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)  
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640  
PORT JERVIS (914) 856-5600

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

Licensed in New York,  
New Jersey and Pennsylvania

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN OF New Windsor P/B # 88-53  
WORK SESSION DATE: 4-4-89 APPLICANT RESUB.  
REAPPEARANCE AT W/S REQUESTED: NO REQUIRED:  
PROJECT NAME: Jacks Sunoco  
COMPLETE APPLICATION ON FILE NEW OLD  
REPRESENTATIVE PRESENT: Paul C. & Graziano  
TOWN REPS PRESENT: BLDG INSP. \_\_\_\_\_  
FIRE INSP. \_\_\_\_\_  
P/B ENGR. \_\_\_\_\_  
OTHER (Specify) \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- 1) On sign post adj. w/
- 2) fix bulk table ← may need height variance?
- 3) # inches of shale
- 4) drainage - paul to get info.
- 5) trench drain @ drive
- 6) agmt re easement
- 7) fix curb
- 8) John Egitto - separate

Need new plans

3MJEB9





McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)  
NEW WINDSOR, NEW YORK 12550

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MARK J. EDSALL, P.E.

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New Jersey and Pennsylvania

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN OF New Windsor P/B # 88-53  
WORK SESSION DATE: 5-2-89 APPLICANT RESUB.  
REAPPEARANCE AT W/S REQUESTED: Yes REQUIRED: Yes  
PROJECT NAME: Jacks Sunco  
COMPLETE APPLICATION ON FILE ☒ NEW ☐ OLD ☒  
REPRESENTATIVE PRESENT: \_\_\_\_\_  
TOWN REPS PRESENT: BLDG INSP. ☒  
FIRE INSP. ☒  
P/B ENGR. ☒  
OTHER (Specify) \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- see black mark ups on 4-4-89  
sheet -

*Attn: Mr. Carl Schiefer, Chairman of  
Town Planning Bd.  
Town of N. Windsor*

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on July 26 1989 at 7:30 P.M. on the approval of the proposed Automotive Repair Shop Site Plan OF Phyllis and Jack Graziano, Jr. (a.k.a. Jack's Sunoco) located on Rt. 94 approximately 800 ft. east of Riley Road. A map of the (Site Plan)\* is on file and may be inspected at the Town Clerk's Office, Town Hall, 555 Union Avenue, New Windsor, N.Y. prior to the Public Hearing.

Dated: The Sentinel - July 13, 1989

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

Carl Schiefer

Chairman

**TELEPHONE (914) 562-8640**  
**PORT JERVIS (914) 856-5600**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

Licensed in New York,  
New Jersey and Pennsylvania

## PLANNING BOARD WORK SESSION RECORD OF APPEARANCE

RECORD OF APPEARANCE

TOWN OF New Windsor P/B # BB-53

WORK SESSION DATE: 6-20-89 APPLICANT RESUE. REQUIRED: Yes <sup>new plan</sup>

REAPPEARANCE AT W/S REQUESTED: Yes

PROJECT NAME: Jack's Synoco

COMPLETE APPLICATION ON FILE NEW OLD X

REPRESENTATIVE PRESENT: \_\_\_\_\_

TOWN REPS PRESENT: BLDG INSP. \_\_\_\_\_  
FIRE INSP. \_\_\_\_\_  
P/B ENGR. X \_\_\_\_\_  
OTHER (Specify) \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

1) fix pks calc  $4 \times 4 = 16$   $7000 - [4 \times 300] = \frac{5800}{300} = 19.3 \Rightarrow 20$   
 $20 + 16 = 36$  reg'd

- 2) John Egatto-
- 3) move inside wall Bathroo- in waiting area
- 4) eliminate notes
- 5) need DOT



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)  
NEW WINDSOR, NEW YORK 12550

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WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

Licensed in New York,  
New Jersey and Pennsylvania

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

TOWN OF New Windsor P/B # 88 53  
WORK SESSION DATE: 7-6-89 APPLICANT RESUB.  
REAPPEARANCE AT W/S REQUESTED: No REQUIRED: No  
PROJECT NAME: Jacks Senoco  
COMPLETE APPLICATION ON FILE NEW OLD X  
REPRESENTATIVE PRESENT: one of owners (Tony?)  
TOWN REPS PRESENT: BLDG INSP. X  
FIRE INSP. X  
P/B ENGR. X  
OTHER (Specify) \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- \* Path, Fixed
- Answer from Laurie of Camo
- rec'd DOT letter
- add revision date
- they need to prepare P/H

Filled out P/H notice for him

Tent P/H  
for 7/26/89



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12550

July 10, 1989

Jack & Phyllis Graziano  
362 Windsor Hwy.  
New Windsor, N.Y. 12550

Re: Tax Map 67-4-17 & 67-4-18.2 Variance List 500 Ft.

Dear Mr. Graziano:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$55.00 minus your deposit of \$25.00.

Please remit same to the Town Clerk, Town of New Windsor, N.Y.



(attached sheets)  
indicates property  
we are to send letter  
out to  
Per Leslie Cook Assessor  
7/12/89 1:45 PM  
via phone  
255-1298

Very truly yours,

*Leslie Cook (kaf)*

LESLIE COOK  
Sole Assessor

LC/kaf  
Attachments  
cc:P.Barnhart

Per

PLANNING BOARD  
NEED TO NOTIFY ADS. LOT OWNERS ONLY. \$2.00 RET RECEIPT. PRINCECARDS PICK AT PUBLIC HEARINGS.  
(MURA - 565-8802) ADDRESS STREET.

*send letters out*

*Per T/clerk (Elaine)  
7/12/89*

565-8550 ATTORNEY  
PAT BARNHART

✓ Barbara J. & Frank Mandato ✓  
RD# 2 Riley Rd.  
New Windsor, N.Y. 12550

✓ Barbara J. & Alfred Brandon ✓  
RD# 2, Box 169, Riley Rd.  
New Windsor, N.Y. 12550

✓ Marie & Richard P. Fitzpatrick  
RD# 2 Box 168, Riley Rd.  
New Windsor, N.Y. 12550

✓ Carrie & Sam Wilson  
2 Riley Rd.  
New Windsor, N.Y. 12550

✓ Alice & Alton Peterson  
RD# 2 Riley Rd.  
New Windsor, N.Y. 12550

✓ Linda J. Champagne  
RD# 2, Box 267A Riley Rd.  
New Windsor, N.Y. 12550

6 Joseph Sayegh  
RD# 2 Riley Rd.  
New Windsor, N.Y. 12550

✓ Donna & Paul Mc Carthy ✓  
167 Riley Rd.  
New Windsor, N.Y. 12550

✓ Ella Mae & Bryant Harris ✓  
Box 525  
Vails Gate, N.Y. 12584

✓ Andrew A. Stahl, Jr.  
Box 166, Riley Rd.  
New Windsor, N.Y. 12550

✓ Leonard T. & Patricia D. Trizinsky ✓  
RD# 2, Box 165B. Riley Rd.  
New Windsor, N.Y. 12550

✓ Miele Oneillo  
3 Allen Lane  
Sloatsburg, N.Y. 10974

6 ✓ Mae Maceli  
RD# 2 Riley Rd.  
New Windsor, N.Y. 12550

✓ Kay Rieber ETAL  
43 Knox Dr.  
New Windsor, N.Y. 12550

George & Edna Hopkins  
PO Box 31  
Vails Gate, N.Y. 12584

Joseph Castelo  
PO Box M2108  
Hoboken, N.J. 07030

#1 Erie Properties Corp.  
401 S. Water St.  
Newburgh, N.Y. 12550

*Abandoned RR bed behind Prop*

Linda & Alan Jobson  
PO Box 655  
Vails Gate, N.Y. 12584

Sharon P. & Gary A. Young  
Box 104  
Vails Gate, N.Y. 12584

#2 Julia & Joseph W. Allen  
PO Box 454  
Vails Gate, N.Y. 12584

*East towards Thruway*

#3 Route 94 Properties, Inc.  
56 Red Hill Rd.  
New City, N.Y. 10956

*West. of Property New*

Brenda & Vernon Peterson  
PO Box 494  
Vails Gate, N.Y. 12584

Food Service Concepts, Inc.  
c/o Frank Faga  
2737 NW 42nd Ave.  
Coconut Creek, Fl. 33066

Milly, Mario & Michael Acevedo  
209 Broadway  
Newburgh, N.Y. 12550

Carol A. & Daniel J. Nagy  
PO Box 66  
Vails Gate, N.Y. 12584

Ethel & Thomas Ashton  
PO Box 113  
Vails Gate, N.Y. 12584

#4 Angela & Ferdinando Collini  
PO Box 116  
Vails Gate, N.Y. 12584

*Across street*

#5 Robert Waltke  
Beecher Hill Rd. Box 137 A  
Wallkill, N.Y. 12589

#6 San Kwok Hei  
100 Route 94,  
New Windsor, N.Y. 12550

#7 Belkis R. & John O. Salazar  
PO Box 665  
Vails Gate, N.Y. 12584

#8 Arthur D. Stockdale  
PO Box 598  
Cornwall, N.Y. 12518

Elaine P. Maurice  
Rt. 94, PO Box 366  
Vails Gate, N.Y. 12584

Robert & Victoria Mule  
PO Box 565  
Vails Gate, N.Y. 12584

Tuna Mustafa &  
Vasant M. Prajapati  
264 Grand St.  
Newburgh, N.Y. 12550

Christine & Frederick Naclerio  
408 Carlton Circle  
New Windsor, N.Y. 12550

Patricia & Kenneth E. Bates  
PO Box 338  
Cornwall N.Y. 12518

Asunta H. & Lewis Andreas  
40 E Parmenter St.  
Newburgh, N.Y. 12550

Dolores & Hugo Cola  
RD# 2, Palamino Place  
New Windsor, N.Y. 12550

*across street*

Please be advised that there are properties in the Town of Cornwall that are within 500 feet of the subject parcels.



APPLIC. For PLANN BD.

1) Notice in Paper

2) Ad. Prop. over -

3) Map filed

4) George Greene Supervisor T/N Windsor ⑨

② Pauline Townsend T/Clerk - ⑩

③ Joseph P. RONES Esq. 436 Rt. 94 ⑪

④ Carl Schiefer Plan Bd Chairman Newburgh NY ⑫

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on July 26 1989 at 7:30 P.M. on the approval of the proposed Automotive Repair Shop Site Plan OF Phyllis and Jack Graziano, Jr. (a.k.a. Jack's Sunoco) located on Rt. 94 approximately 800 ft. east of Riley Road. A map of the (Site Plan)\* is on file and may be inspected at the Town Clerk's Office, Town Hall, 555 Union Avenue, New Windsor, N.Y. prior to the Public Hearing.

⑤ Mark Edsall P.E. ⑬  
c/o McGoey & HATER CONSULTING ENGRS.  
45 QUASSAICK AVE  
N. Windsor NY 12550

Dated: The Sentinel - July 13, 1989

By Order of

N. WINDSOR (DE MECCA)

562-1218

SKOPPE -

PUBLISHED: 11/5/89

11/4/89

TOWN OF NEW WINDSOR PLANNING BOARD

Carl Schiefer

Chairman

⑥ TOWN OF CORNWALL ⑭

⑤ Attached affidavit signed & Notarized

Affidavit of Filing

POB116  
Vails Gate N.Y.  
12584

7-26-89

To the Planning Board  
Town of New Windsor  
New Windsor, N.Y.

Dear Sir:

We are opposed to an automotive repair shop being planned on Route 94 in Vails Gate, N.Y. At a time when there is a general "fixing-up" of the neighborhood, we feel it is not in keeping with the general community.

Also there does not seem enough space for such a business.

Thank you for taking the time to consider my opinion

yours truly,  
Collins  
Family

**Page 18 THE SENTINEL July 13, 1989**

### **Legal Notice**

**NOTICE IS HEREBY GIVEN** that the **PLANNING BOARD** of the **TOWN OF NEW WINDSOR**, County of Orange, State of New York will hold a **PUBLIC HEARING** at Town Hall, 555 Union Avenue, New Windsor, New York on **July 26, 1989** at **7:30 P.M.** on the approval of the proposed **Automotive Repair Shop, Site Plan of Phyllis and Jack Graziano, Jr. (a.k.a. Jack's Sunoco)** located on **Rt. 94** approximately 800 ft. east of **Riley Rd.** A Map of the (Site Plan)\* is on file and may be inspected at the Town Clerk's Office, Town Hall, 555 Union Avenue, New Windsor, N.Y. prior to the Public Hearing.

By Order Of  
Town Of New Windsor  
Planning Board  
Carl Schiefer

BUILDING INSPECTOR, P.D. ENGINEER, FIRE INSPECTOR, D.O.T. O.C.H.

O.C.P. WATER, SEWER, HIGHWAY REVIEW FORM:

D. P. W.

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by  
Paul V. Cuern for the building or  
subdivision of Jacks Suroco RT 94 has been  
reviewed by me and is approved L,  
~~disapproved~~ \_\_\_\_\_.

~~If disapproved, please list reason.~~

There is no town water in this area.

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

John Di Dio  
WATER SUPERINTENDENT

\_\_\_\_\_  
SANITARY SUPERINTENDENT

\_\_\_\_\_  
DATE

Planning Board  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12550

(This is a two-sided form)

Date Received \_\_\_\_\_  
Meeting Date \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Action Date \_\_\_\_\_  
Fees Paid \_\_\_\_\_

APPLICATION FOR SITE PLAN, LOT-LINE CHANGE  
OR SUBDIVISION PLAN APPROVAL

1. Name of Project JACKS SERVICE CENTER
2. Name of Applicant PHYLLIS GRAZIANO Phone 564-1767  
Address 1318 UNION AVE NEWBURGH NY 12550  
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record (CONTRACTOR) PHYLLIS GRAZIANO Phone 564-1767  
Address 1318 UNION AVE NEWBURGH NY 12550  
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan PAUL CUNOMO Phone 561-0448  
Address 1318 UNION AVE NEWBURGH NY 12550  
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney GILBERT RASHBAUM Phone 564-6100  
Address 51 MEADOW HILL RD NEWBURGH NY 12550  
(Street No. & Name) (Post Office) (State) (Zip)
6. Location: On the NORTH side of ROUTE 94  
800 feet EAST  
of RILEY ROAD  
(Street) (Direction)
7. Acreage of Parcel 1.1 acres 8. Zoning District NC
9. Tax Map Designation: Section 64 Block 4 Lot 182
10. This application is for SITE PLAN APPROVAL
11. Has the Zoning Board of Appeals granted any variance or a special permit concerning this property? NO

If so, list Case No. and Name \_\_\_\_\_

12. List all contiguous holdings in the same ownership  
Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT  
(Completion required ONLY if applicable)

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

PHYLLIS GRAZIANO being duly sworn, deposes and says that she resides at 1318 UNION AVE NEW BURG NY in the County of ORANGE and State of NEW YORK and that she is (the owner in fee) of PRESIDENT  
(Official Title)

of the Corporation which is the Owner in fee of the premises described in the foregoing application and that he has authorized PAUL V. CUOMO, P.E. to make the foregoing application for Special Use Approval as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

31 day of August 1988  
Phyllis Graziano (Owner's Signature)  
Phyllis Graziano (Applicant's Signature)  
Patricia A. Moore (Title)  
Notary Public

PATRICIA A. MOORE  
Notary Public, State of New York  
Qualified in Orange County  
No. 4814759  
Commission Expires July 31, 1990

REV. 3-87

PROXY STATEMENT

for submittal to the

TOWN OF NEW WINDSOR PLANNING BOARD

PHYLLIS GRAZIA NO deposes and says that she  
resides at 1318 UNION AVE NEWBURGH N.Y.  
(Owner's Address) 12550

in the County of ORANGE  
and State of NEW YORK

and that she is the owner in fee of JACK'S SERVICE CENTER

which is the premises described in the foregoing application and  
that he has authorized PAUL V. CUOMO  
to make the foregoing application as described therein.

Date: 9/2/88

Phyllis Grazia  
(Owner's Signature)

James C. Luter  
(Witness' Signature)

TOWN OF NEW WINDSOR PLANNING BOARD  
SITE PLAN CHECKLIST

ITEM

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Site Plan Title                     | 29. <input checked="" type="checkbox"/> Curbing Locations                   |
| 2. <input checked="" type="checkbox"/> Applicant's Name(s)                 | 30. <input checked="" type="checkbox"/> Curbing Through Section             |
| 3. <input checked="" type="checkbox"/> Applicant's Address(es)             | 31. <input checked="" type="checkbox"/> Catch Basin Locations               |
| 4. <input checked="" type="checkbox"/> Site Plan Preparer's Name           | 32. <input checked="" type="checkbox"/> Catch Basin Through Section         |
| 5. <input checked="" type="checkbox"/> Site Plan Preparer's Address        | 33. <input checked="" type="checkbox"/> Storm Drainage                      |
| 6. <input checked="" type="checkbox"/> Drawing and Revision Dates          | 34. <input checked="" type="checkbox"/> Refuse Storage                      |
| 7. <input checked="" type="checkbox"/> 4"x2" Box for Approval Stamp.       | 35. <input checked="" type="checkbox"/> Other Outdoor Storage               |
| 8. <input checked="" type="checkbox"/> AREA MAP INSET                      | 36. <input checked="" type="checkbox"/> Area Lighting                       |
| 9. <input checked="" type="checkbox"/> Site Designation                    | 37. <input checked="" type="checkbox"/> Sanitary Disposal Sys.              |
| 10. <input checked="" type="checkbox"/> Properties Within 500 Feet of Site | 38. <input checked="" type="checkbox"/> Water Supply/Fire Hydrants          |
| 11. <input checked="" type="checkbox"/> Property Owners (Item #10)         | 39. <input checked="" type="checkbox"/> Building Locations                  |
| 12. <input checked="" type="checkbox"/> PLOT PLAN                          | 40. <input checked="" type="checkbox"/> Building Setbacks                   |
| 13. <input checked="" type="checkbox"/> Scale (1" = 50' or lesser)         | 41. <input checked="" type="checkbox"/> Front Building Elevations           |
| 14. <input checked="" type="checkbox"/> Metes and Bounds                   | 42. <input checked="" type="checkbox"/> Divisions of Occupancy              |
| 15. <input checked="" type="checkbox"/> Zoning Designation                 | 43. <input checked="" type="checkbox"/> Sign Details                        |
| 16. <input checked="" type="checkbox"/> North Arrow                        | 44. <input checked="" type="checkbox"/> BULK TABLE INSET                    |
| 17. <input checked="" type="checkbox"/> Abutting Property Owners           | 45. <input checked="" type="checkbox"/> Property Area (Nearest 100 sq. ft.) |
| 18. <input checked="" type="checkbox"/> Existing Building Locations        | 46. <input checked="" type="checkbox"/> Building Coverage (sq. ft.)         |
| 19. <input checked="" type="checkbox"/> Existing Paved Areas               | 47. <input checked="" type="checkbox"/> Building Coverage (% of Total Area) |
| 20. <input checked="" type="checkbox"/> Existing Vegetation                | 48. <input checked="" type="checkbox"/> Pavement Coverage (Sq. Ft.)         |
| 21. <input checked="" type="checkbox"/> Existing Access & Egress           | 49. <input checked="" type="checkbox"/> Pavement Coverage (% of Total Area) |
| <u>PROPOSED IMPROVEMENTS</u>   |   |
| 22. <input checked="" type="checkbox"/> Landscaping                        | 50. <input checked="" type="checkbox"/> Open Space (Sq. Ft.)                |
| 23. <input checked="" type="checkbox"/> Exterior Lighting                  | 51. <input checked="" type="checkbox"/> Open Space (% of Total Area)        |
| 24. <input checked="" type="checkbox"/> Screening                          | 52. <input checked="" type="checkbox"/> No. of Parking Spaces Proposed.     |
| 25. <input checked="" type="checkbox"/> Access & Egress                    | 53. <input checked="" type="checkbox"/> No. of Parking Required.            |
| 26. <input checked="" type="checkbox"/> Parking Areas                      |   |
| 27. <input checked="" type="checkbox"/> Loading Areas                      |   |
| 28. <input checked="" type="checkbox"/> Paving Details (Items 25-27)       |   |

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The Site Plan has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.

By: *Kurt L. Leno*  
Licensed Professional

Rev. 3-87

Date: *Sept 2, 1988*



# SHORT ENVIRONMENTAL ASSESSMENT FORM

Appendix B Part 617

Project Title: JACKS SERVICE CENTER

Location: ROUTE 99

ID Number: \_\_\_\_\_

## INSTRUCTIONS:

- (a) In order to answer the questions in this short EAF it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies, research or other investigations will be undertaken.
- (b) If any question has been answered **Yes**, the project may have a significant effect and the full Environmental Assessment Form is necessary. **Maybe** or **Unknown** answers should be considered as **Yes** answers.
- (c) If all questions have been answered **No** it is likely that this project will not have a significant effect.
- (d) If additional space is needed to answer the questions, please use the back of the sheet or provide attachments as required.

## ENVIRONMENTAL ASSESSMENT

	YES	NO
1. Will project result in a large physical change to the project site or physically alter more than 10 acres of land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Will there be a major change to any unique or unusual land form found on the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Will project alter or have a large effect on an existing body of water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Will project have an adverse impact on groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Will project significantly effect drainage flow on adjacent sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Will project affect any threatened or endangered plant or animal species?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Will project result in a major adverse effect on air quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Will project have a major effect on the visual character of the community or scenic views or vistas known to be important to the community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Will project adversely impact any site or structure of historic, prehistoric, or paleontological importance or any site designated as a Critical Environmental Area by a local agency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Will project have a major adverse effect on existing or future recreational opportunities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Will project result in major traffic problems or cause a major effect to existing transportation systems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Is project non-farm related and located within a certified agricultural district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbance as a result of the project's operation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Will project have any adverse impact on public health or safety?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Will project affect the existing community by directly causing a growth in permanent population of more than 5 percent over a one-year period or have a major negative effect on the character of the community or neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is there public controversy concerning any potential impact of the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

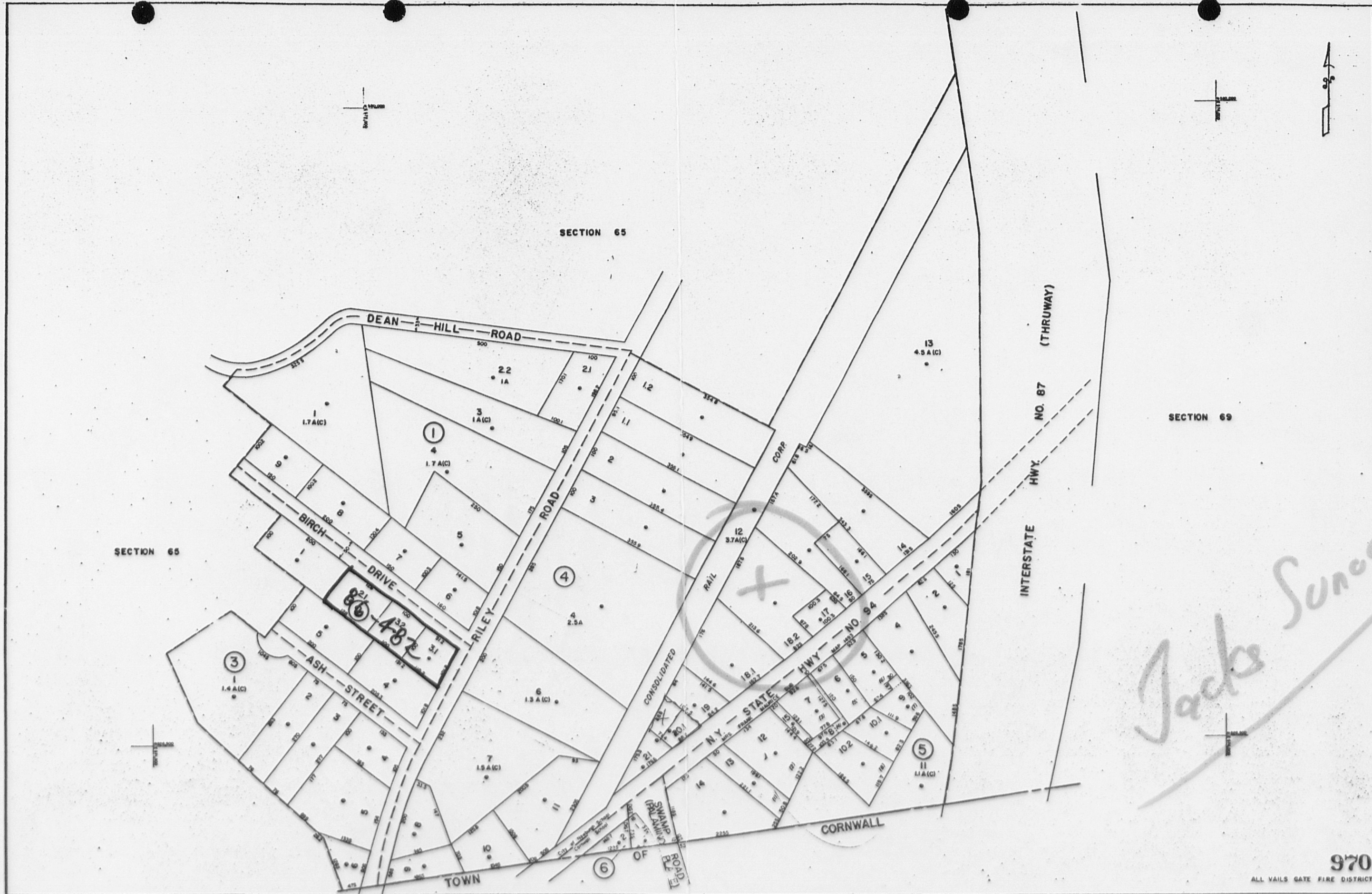
## FOR AGENCY USE ONLY

Preparer's Signature: *Paul V. Leonard* Date: 9/2/87

Preparer's Title: \_\_\_\_\_

Agency: \_\_\_\_\_





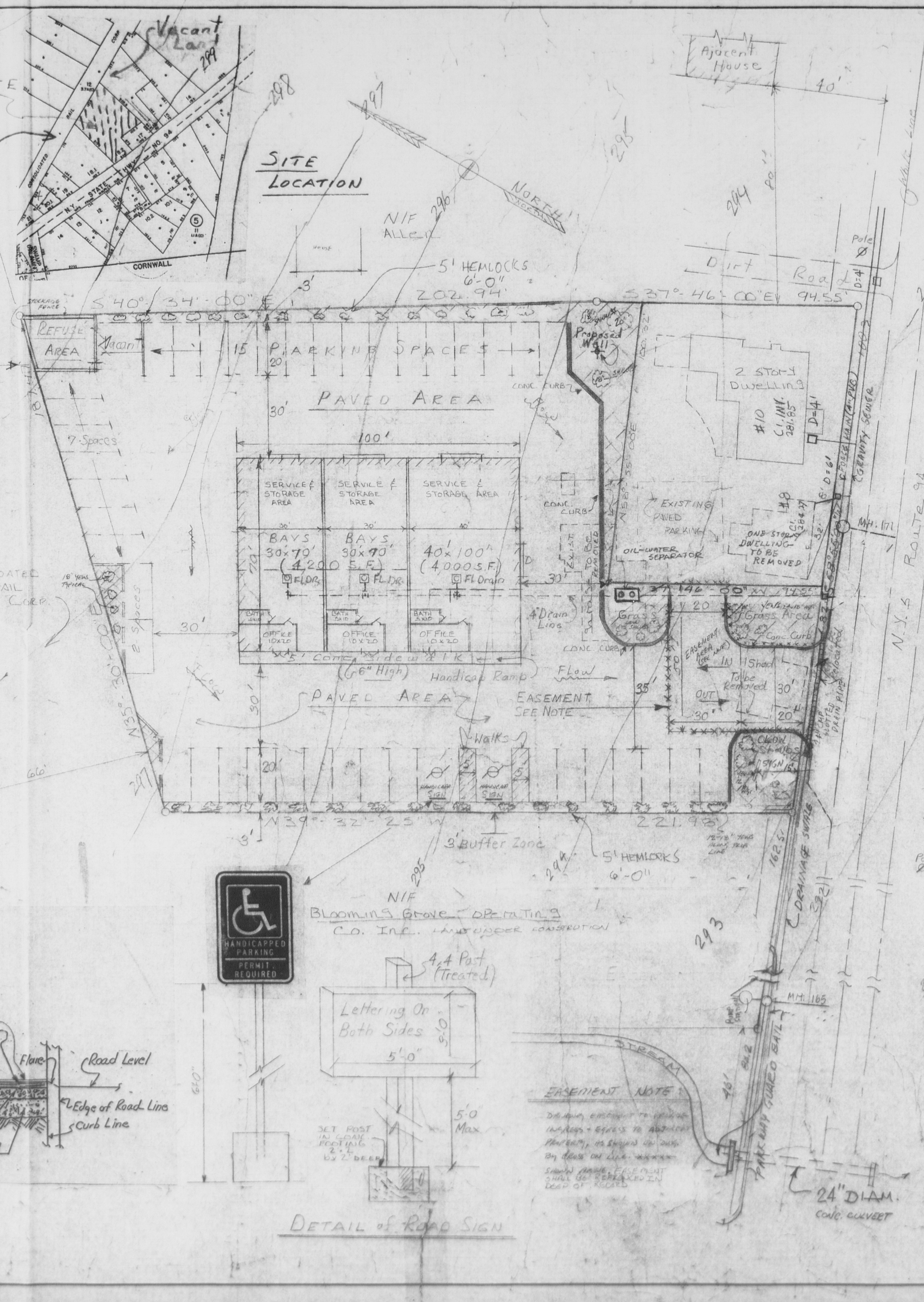
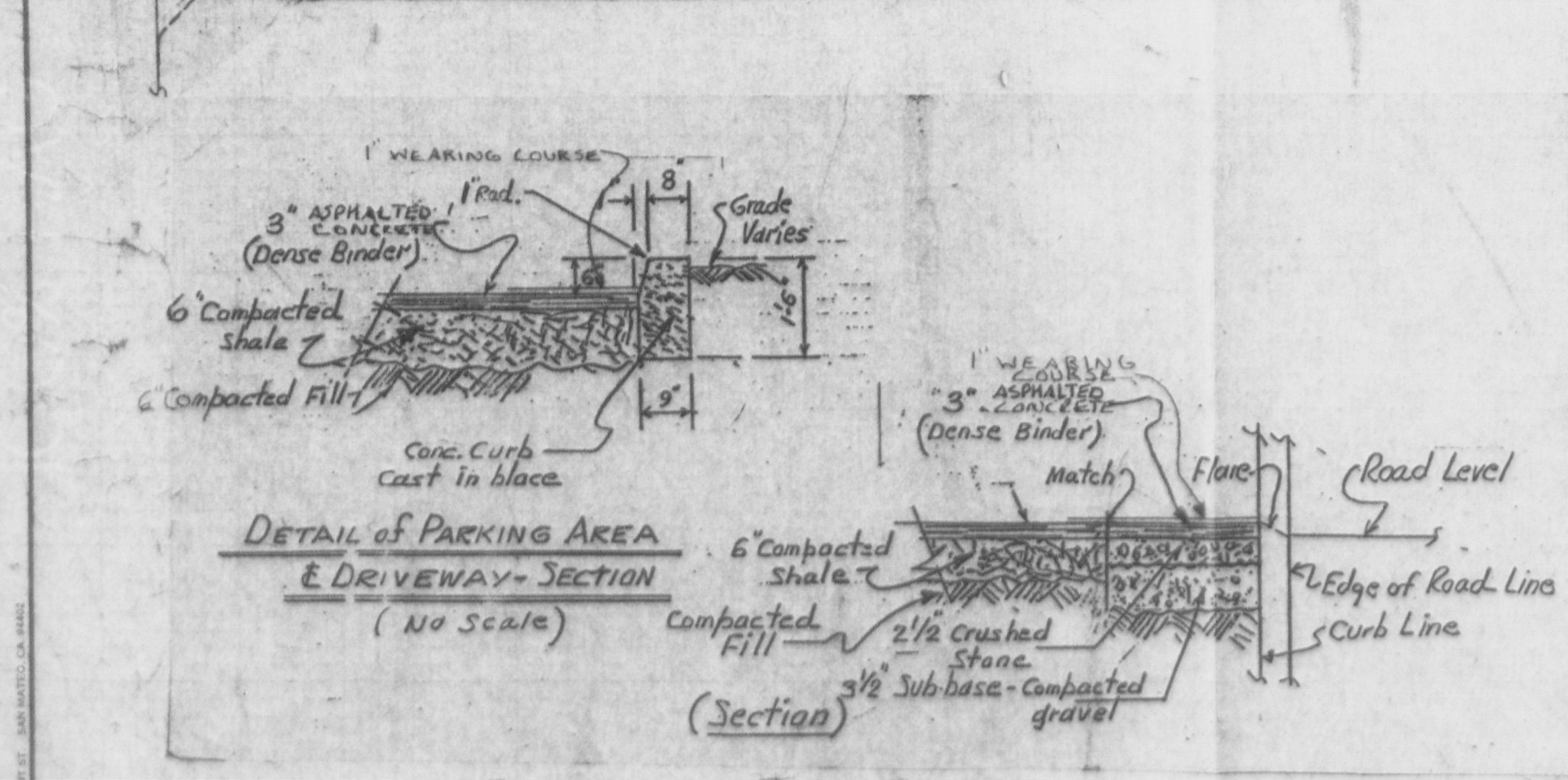
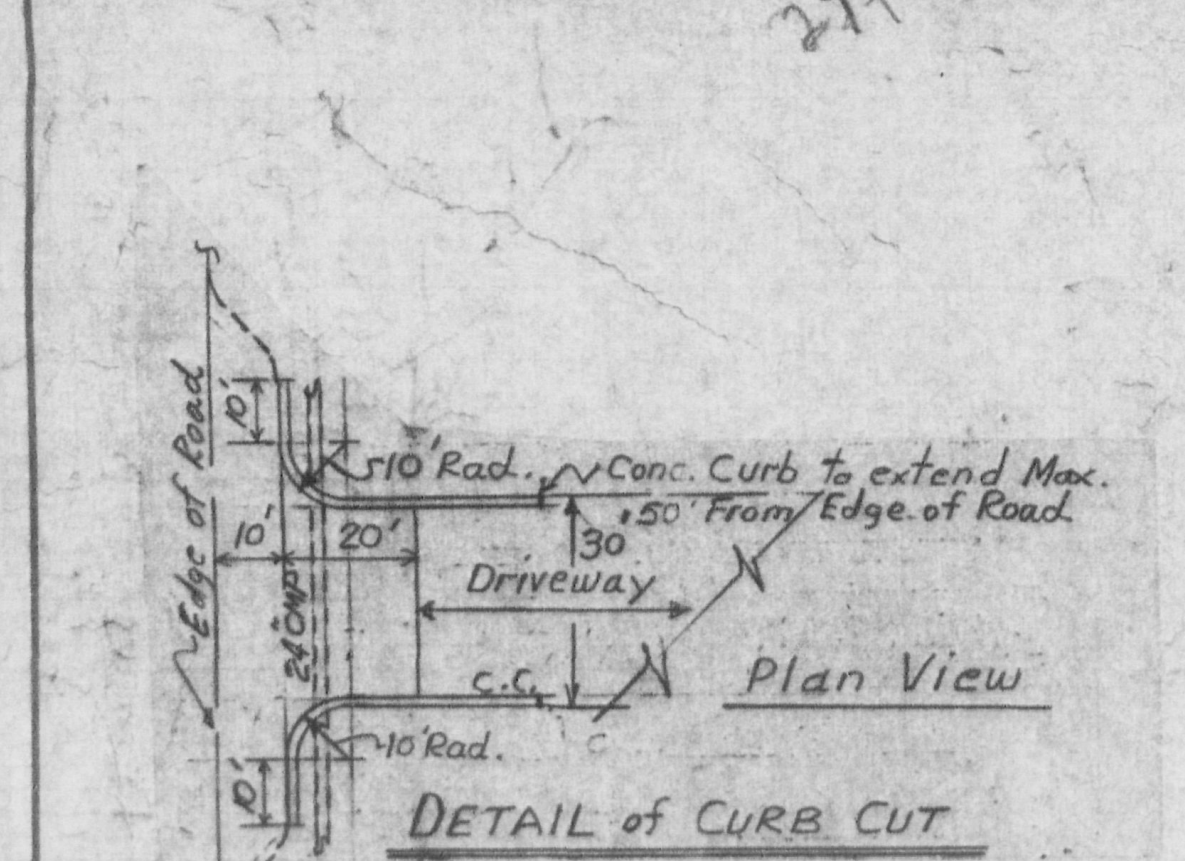
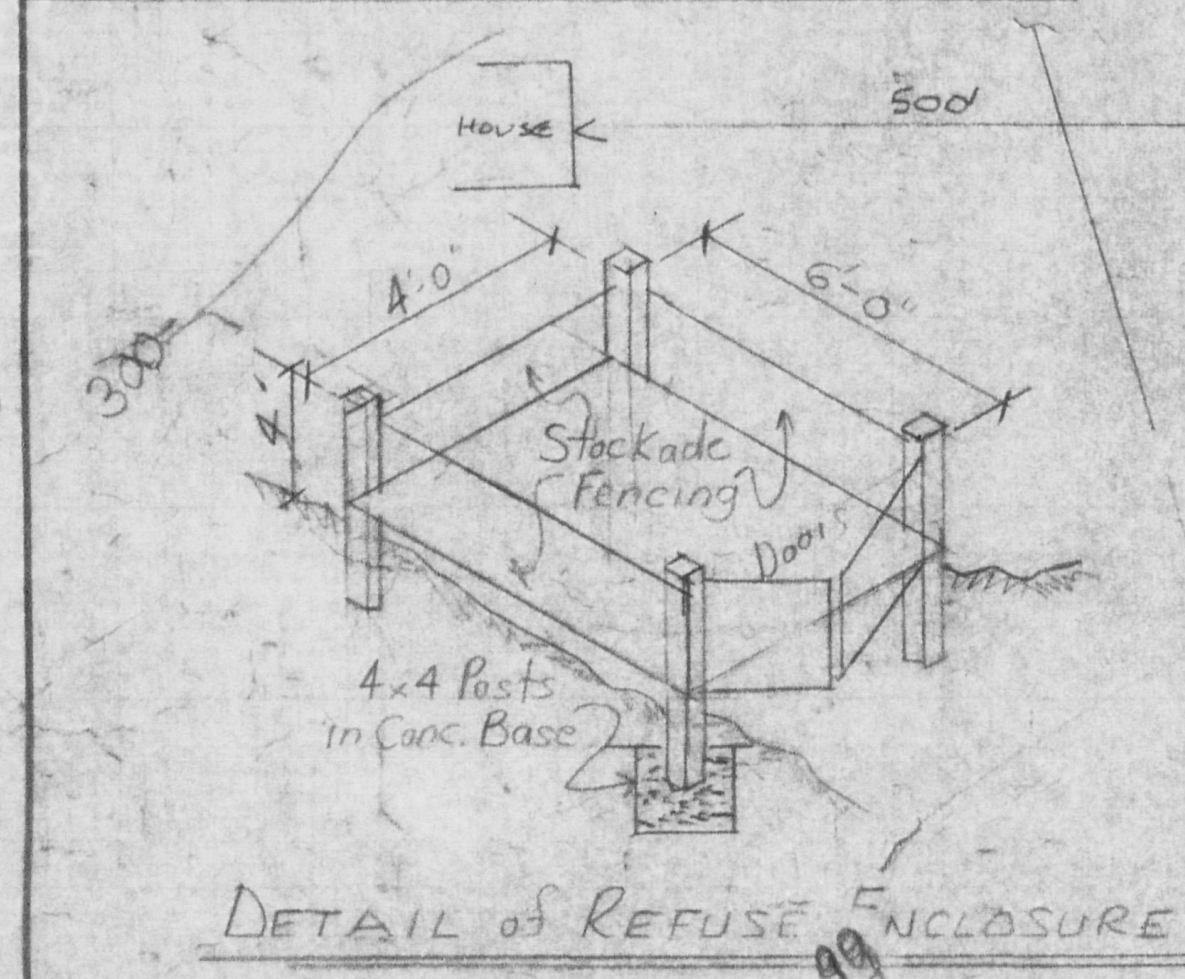
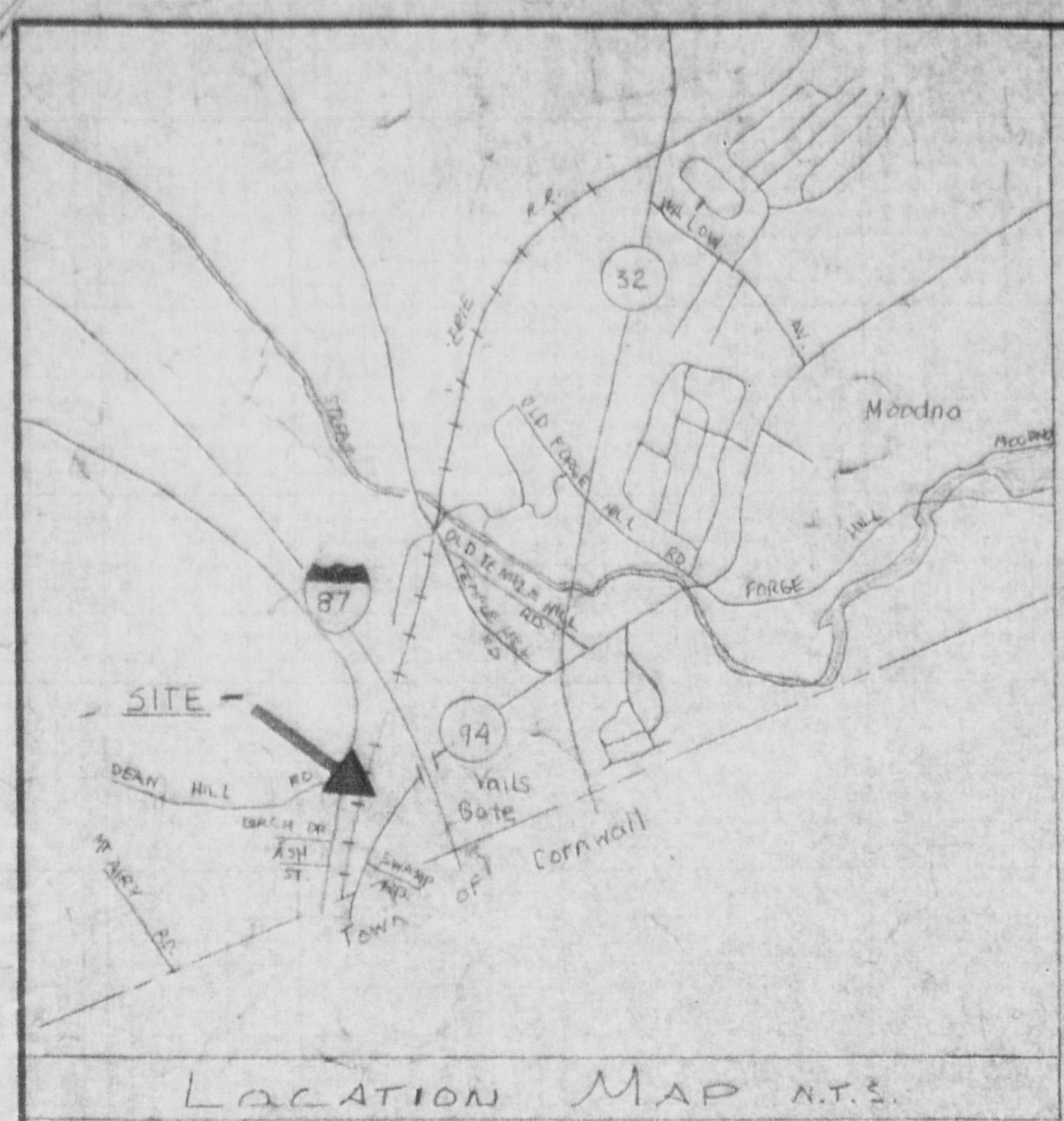
AERO SERVICE CORPORATION  
DIVISION OF AERIAL INDUSTRIES  
FOR TAX PURPOSES ONLY  
NOT TO BE USED FOR CONVEYANCE

LEGEND					
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO. 32	FILED PLAN BLOCK NO. 100		
CITY/TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO. 32	FILED PLAN LOT NO. 100		
BLOCK & SECTION LINE	MATCH LINE	AREAS (See) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	STATE HIGHWAYS	NY STATE MAP NO. 1	
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS (See) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	COUNTY HIGHWAYS	COUNTY MAP NO. 1	
PROPERTY LINE			TOWN ROADS	TOWN MAP NO. 1	

ORANGE COUNTY-NEW YORK  
Photo No. 8-497,498  
Date of Photo 3-1-65  
Date of Map 9-24-67  
Date of Revision 3-1-66  
Scale 1" = 100'

TOWN OF NEW WINDSOR  
Section No. 67





CRACK AREA = 4605<sup>±</sup>  
 46120<sup>±</sup> = 4605<sup>±</sup>  
 41,515<sup>±</sup> DEV AREA

ZONING DISTRICT NC			BOARD OF APPEALS
DESCRIPTION	MIN REQ	PROV	
LOT AREA	15000 SF	46120	NOT REQUIRED
LOT WIDTH	125'	126'	
FRONT YARD	40'	106'	
1 SIDE YARD	15'	53'	
BOTH SIDES TOTAL	30'	106'	TO GO TO BOARD OF APPEALS
REAR YARD	15'	40'	
STREET FRONTAGE	N/A	80'	
FLOOR AREA RATIO	0.5	0.15	
DEVELOPMENT COV.	N/A	0.9	APPEALS
BUILDING HEIGHT	23 Max	23'	

4800<sup>±</sup> - (1888<sup>±</sup> EASEMENT) = 46120 SF

**PARKING REQUIREMENTS:**

(A) AUTOMOTIVE SERVICE  
 3000 = 70 x 100 = 7000 SF  
 4 BAYS x 300 = 1200 SF  
 7000 - 1200 = 5800 SF  
 5800 ÷ 300 = 19.33 BAYS  
 19.33 BAYS x 4 SPACES PER BAY = 77.32 SPACES  
 EQUALS 77 SPACES

- 4 BAYS @ 4 SPACES PER BAY  
 EQUALS 16 SPACES

TOTAL SPACES REQD 30  
 TOTAL SPACES PROVIDED 42

**LEGEND**

- Concrete Curbing
- Conc. or RR Tier Steps
- Shaded Area GRASS
- 20' 10' Parking Space (Handicap 13'0" Wide)

**TAX MAP DATA:**

Section : 67  
 Block : 4  
 Lots : 17 & 132

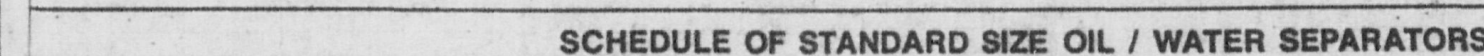
**APPLICANT:** PHYLLIS & JACK GRAZIANO JR.  
 362 WINDSOR HIGHWAY  
 NEW WINDSOR NY 12550

SURVEY INFORMATION TAKEN FROM A SURVEY FOR ROBERT E. WATTEL AND EDWARD SMITH BY PATRICK T. KENNEDY NYS.L.S. #49219 DATED: AUG 10, 1981

ON December 13, 1989  
 BY Daniel C. McCarville  
 DANIEL C. MCCARVILLE SECRETARY

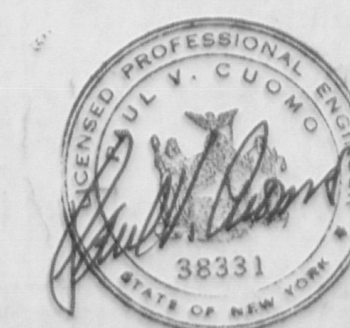
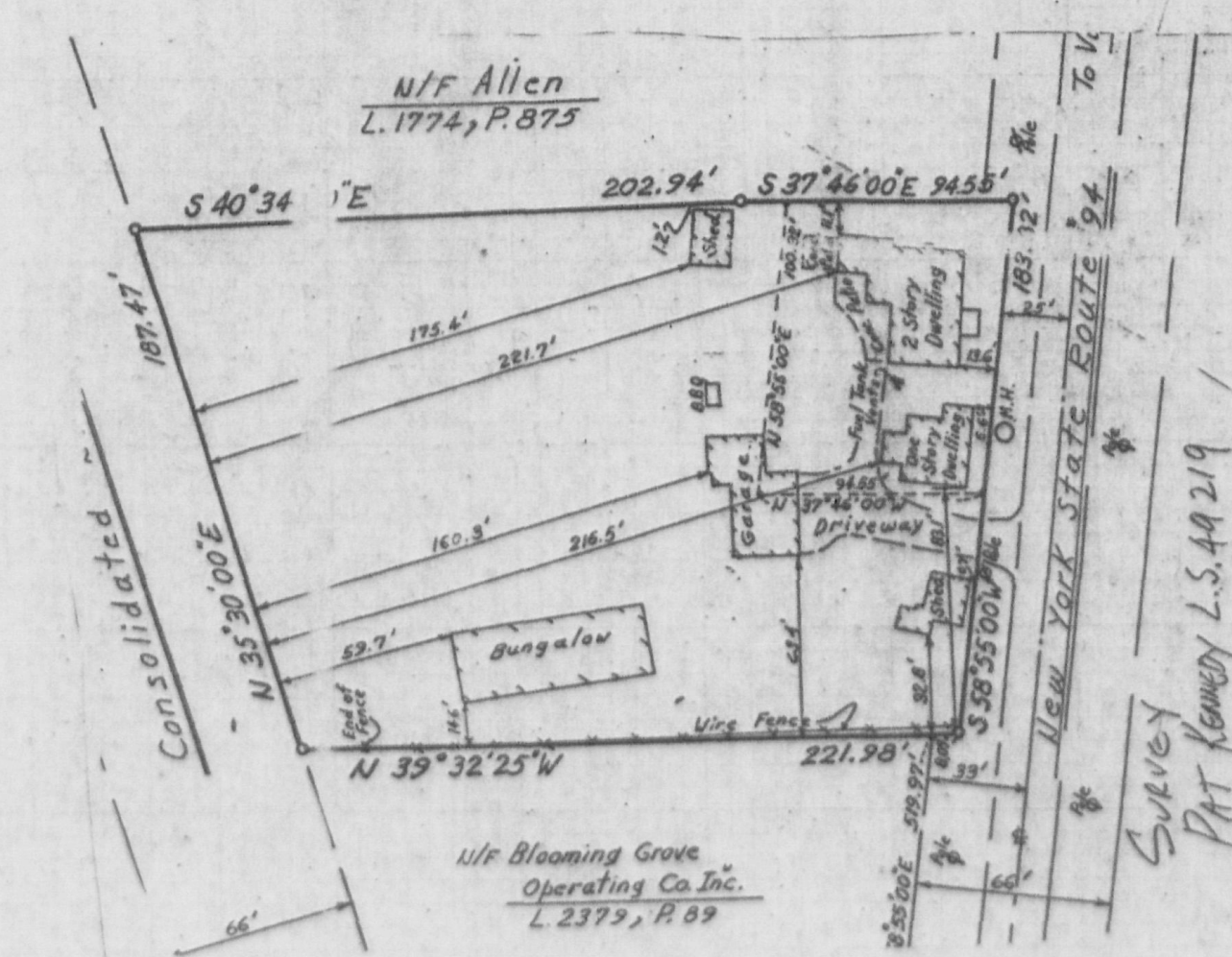
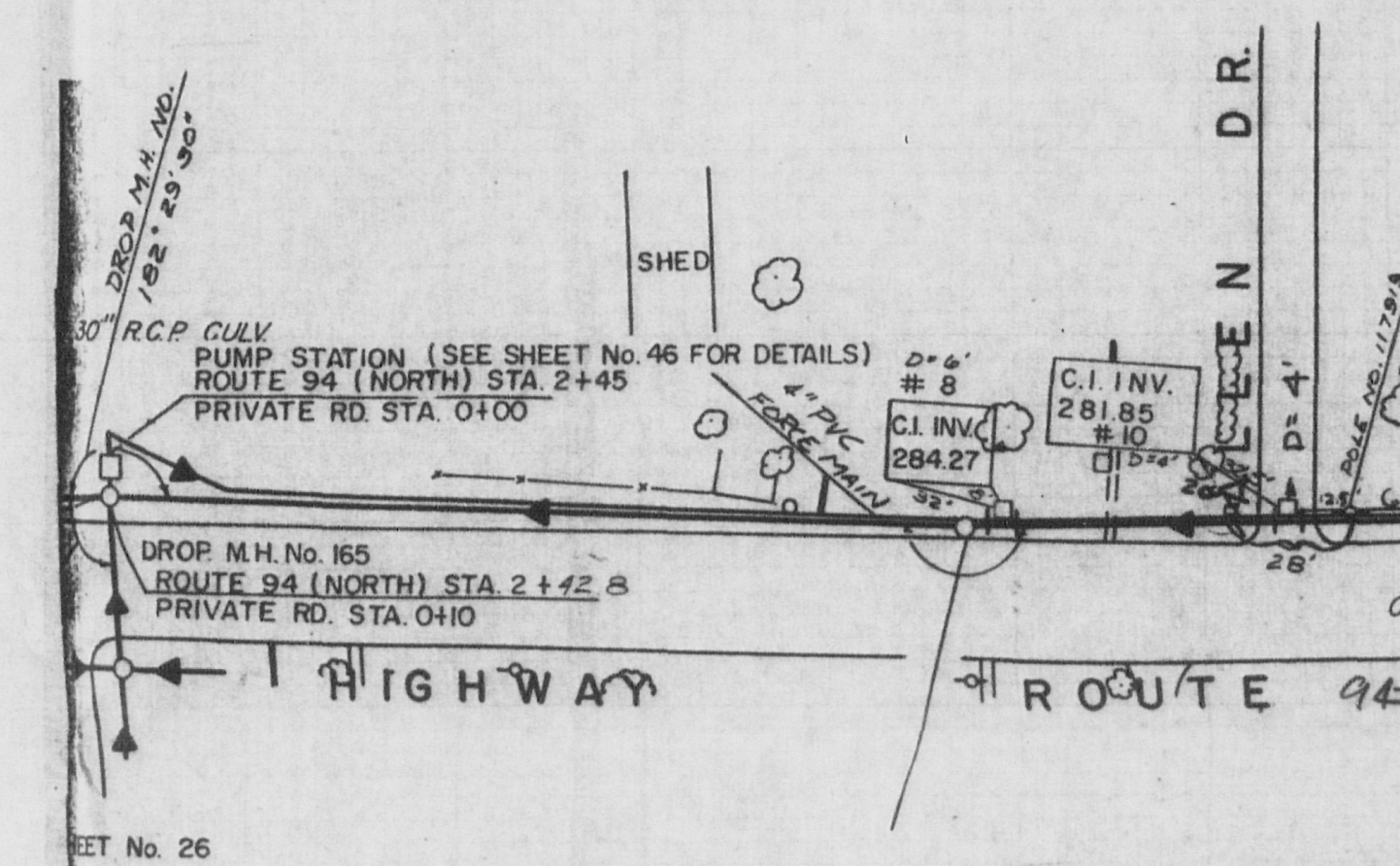
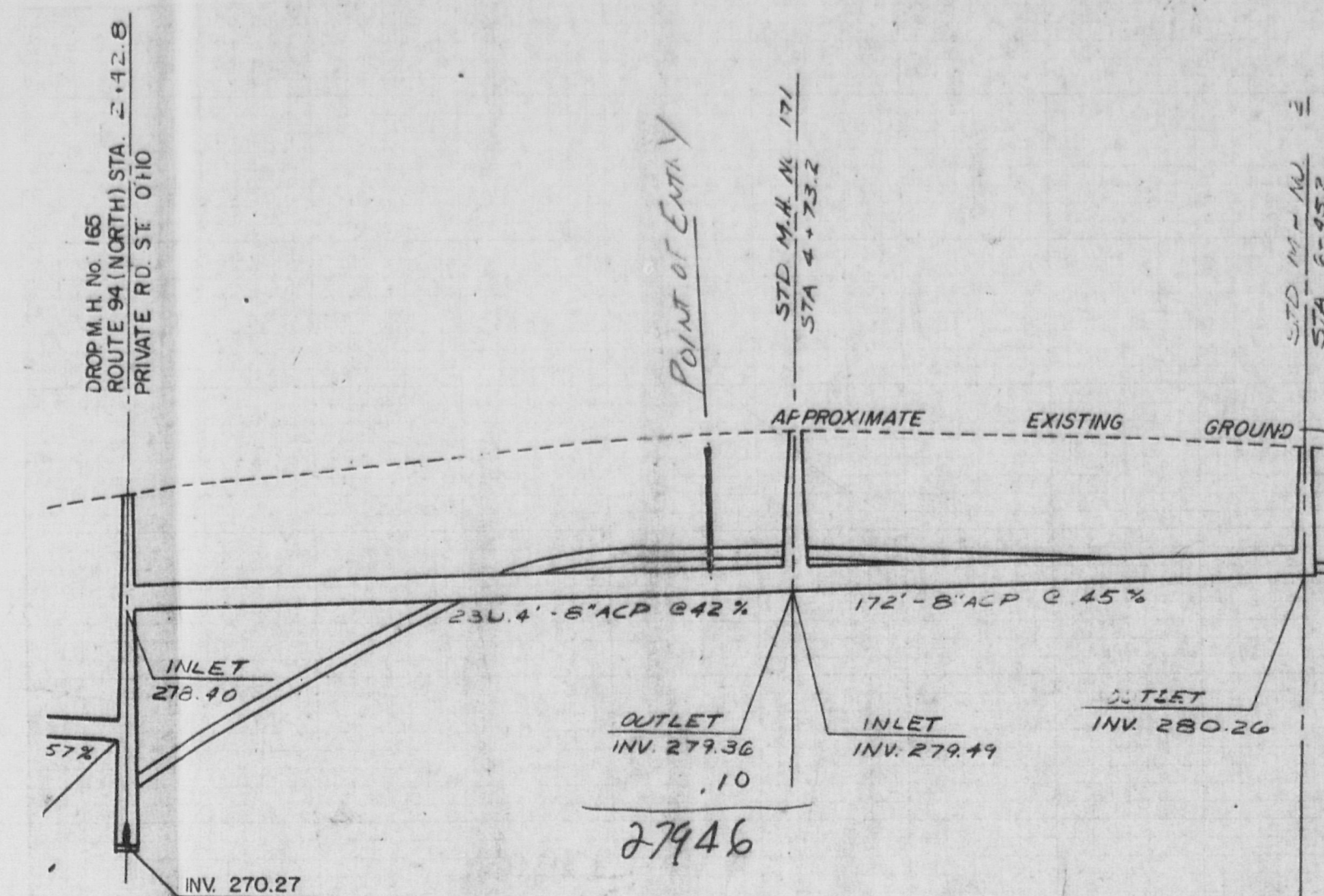
DATE REVISIONS		APPROVAL	
3/10/90	As Per Meeting	 <b>PAUL V. CUOMO P.E.</b> 571 Union Ave. New Windsor, NY 12550	APPROVED BY
3/10/90	As Per Meeting		DRAWN BY
3/10/90	As Per Meeting		REVISOR
3/10/90	As Per Meeting		DATE
3/10/90 SIGN CHANGE		SCALE 1" = 20' DATE 3/13/90 REVISOR 3/13/90 DRAWN BY 3/13/90	
SITE PLAN		JACK'S SUBOCO Route 94 New Windsor NY DRAWING NUMBER 100	





MODEL	FLOW RATE GPM	DIA.	LENGTH	INLET / OUTLET	WEIGHT APPROX. LBS
HT - 500	50	3'-6"	7'-0"	4"	935
HT - 1000	100	4'-0"	10'-9"	6"	1735

MODEL HT (FOR 15 ppm DISCHARGE)



PAUL V. COOMO, P.E.		438 UNION PK. NEW BRUNSWICK, N.J.	
SCALE (AS SHOWN)	APPROVED BY	DRAWN BY <i>PBC</i>	
DATE 5/15/89		REVISED	
JACK'S SUNOCO, ROUTE 89 NEW BRUNSWICK		DRAWING NUMBER 2 TO 2	
OIL / SEPARATOR DETAIL			